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Illinois Register

Rules of Governmental Agencies

Volume 20, Issue 06— February 09, 1996

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JOINT COMMITTEE ON ADMINISTRATIVE RULES

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REGISTER PUBLICATION SCHEDULE 1996

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996	June 25, 1996	July 2, 1996	28	July 12, 1996
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June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: White-Tailed Deer Hunting by Use of Bow and Arrow

2) Code Citation: 17 Ill. Adm. Code 670

3) Section Numbers: Proposed Action:

670.10 Amendments
670.40 Amendments
670.60 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to change site specific regulations.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
(217) 782-1889

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 670

WHITE-TAILED DEER HUNTING BY USE OF BOW AND ARROW

Section

670.10 Statewide Open Seasons and Counties
670.20 Statewide Deer Permit Requirements
670.21 Deer Permit Requirements - Landowner/Tenant Permits
670.30 Statewide Legal Bow and Arrow
670.40 Statewide Deer Hunting Rules
670.50 Rejection of Application/Revocation of Permits
670.55 Reporting Harvest
670.60 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.24, 2.25, 2.26, 2.33, 3.5 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 8888, effective August 25, 1981; codified at 5 Ill. Reg. 10641; emergency amendment at 5 Ill. Reg. 11402, effective October 14, 1981, for a maximum of 150 days; emergency expired March 13, 1982; amended at 6 Ill. Reg. 10721, effective August 20, 1982; emergency amendment at 6 Ill. Reg. 15581, effective December 14, 1982, for a maximum of 150 days; emergency expired May 13, 1983; amended at 7 Ill. Reg. 10790, effective August 24, 1983; amended at 8 Ill. Reg. 19004, effective September 26, 1984; amended at 9 Ill. Reg. 14317, effective September 9, 1985; amended at 10 Ill. Reg. 16658, effective September 22, 1986; amended at 11 Ill. Reg. 2275, effective January 20, 1987; amended at 12 Ill. Reg. 12042, effective July 11, 1988; amended at 13 Ill. Reg. 12839, effective July 21, 1989; amended at 14 Ill. Reg. 14787, effective September 4, 1990; amended at 14 Ill. Reg. 19859, effective December 3, 1990; amended at 15 Ill. Reg. 10021, effective June 24, 1991; amended at 15 Ill. Reg. 16691, effective October 31, 1991; amended at 16 Ill. Reg. 11116, effective June 30, 1992; amended at 17 Ill. Reg. 286, effective December 28, 1992; amended at 17 Ill. Reg. 13452, effective July 30, 1993; amended at 18 Ill. Reg. 5842, effective April 5, 1994; amended at 19 Ill. Reg. 7560, effective May 26, 1995; amended at 19 Ill. Reg. 15411, effective October 26, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 670.10 Statewide Open Seasons and Counties

- a) All regulations set forth in ~~Chapter-61~~ Section 2.26 of the Wildlife Code apply in this rule.
- b) For Cook, DuPage, Kane and Lake counties - October 1 through the first Thursday after January 10.
- c) For all other counties - October 1 through the first Thursday after

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

January 10, closed during the period when deer hunting with a firearm is permitted as set out in 17 Ill. Adm. Code 650, except Department of Natural Resources (Department or DNR) owned or managed sites designated in Section 670.60 by an asterisk (*) shall be open to archery deer hunting without regard to firearm deer season (no firearm deer hunting pursuant to 17 Ill. Adm. Code 650 allowed).

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 670.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless-only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the single either-sex or landowner/tenant Archery Deer Hunting Permit shall record their signature, hunting license number (unless exempt), and physical description on the permit and must carry it on their person while hunting. Holders of combination OTC permits shall record their name and address on the check station tag portions of their permit and must carry it on their person while hunting.
- c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist--~~furbuyer~~ or tanner for processing must supply the taxidermist--~~furbuyer~~ or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist--~~furbuyer~~ or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- d) Hunters shall not have in their possession, while in the field during archery deer season, any deer permit issued to another person (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Section 670.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 (General Hunting and Trapping) apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that tree stands may be left unattended from September 15 through January 31 at those sites listed in this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in this Section that are followed by a (2).
- d) Where standby hunters are used to fill quotas, a drawing will be held at sites indicated by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in this Section that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in this Section that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

Argyle Lake State Recreation Area (2)

- * Anderson Lake Fish and Wildlife Area (2)
- * Banner Marsh Fish and Wildlife Area (2)
- * Big Bend State Fish and Wildlife Area (1)(2)
- Big River State Forest (2)
- Cache River State Natural Area (1)(2)
- Campbell Pond Fish and Wildlife Area (1)(2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area is closed seven days prior to and during the regular waterfowl season)

Castle Rock State Park (1)(2)

Coffeen Lake State Fish and Wildlife Area (2)

Crawford County Conservation Area (1)(2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Dog Island Wildlife Management Area (1)(2)

* Eldon Hazlet State Park (2)

Ferne Clyffe State Park (1)(2)

Fort de Chartres State Historic Site (1)(2)

Fort Massac State Park (1)(2)

* Franklin Creek State Park (2)

Giant City State Park (1)(2)

Heidecke State Fish and Wildlife Area (2)(3)

Horseshoe Lake Conservation Area - Alexander County (Controlled Goose Hunting Area - open from October 1 until 25 days prior to the opening of the Quota Zone goose season; reopens with the close of the Quota Zone goose season through statewide closing; remainder of the Public Hunting Area open during statewide season) (1)(2)

I-24 Wildlife Management Area (1)(2)

* Jubilee College State Park (2)(4)

Kaskaskia River Fish and Wildlife Area (1)(2), except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1)(2)

Lowden-Miller State Forest (1)(2)(4)

Mackinaw River Fish and Wildlife Area (1)(2)

Marseilles Wildlife Area (closed Friday, Saturday, and Sunday in October) (1)(2)

Marshall Fish and Wildlife Area (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Mississippi River Pools 21, 22, 24

* Mt. Vernon Propagation Center (1)(2)

Oakford Conservation Area

Panther Creek Conservation Area (1)(2)

* Peabody River King State Fish and Wildlife Area (East and North subunits close November 1) (1)(2)

Pere Marquette State Park (area east of Graham Hollow Road) (2)

~~Pike-County-Conservation-Area-(2)~~

Pyramid State Park (1)(2)

* Randolph County Conservation Area (1)(2)

~~Ray Norbut Conservation Area (2)~~

* Red Hills State Park (1)(2)

Rend Lake State Fish and Wildlife Area

Rice Lake Fish and Wildlife Area (2)

Saline County Fish and Wildlife Area (1)(2)

* Sam Parr State Park (1)(2)

Sangamon County Conservation Area

Sangamon State Wildlife Area (1)

* Shabbona Lake State Park (2)

Shelbyville Wildlife Management Area (1)

Siloam Springs State Park (1)(2)(4)

* Silver Springs State Park (2)

Tapley Woods State Natural Area (1)(2)

Trail of Tears State Forest (1)(2)

Turkey Bluffs Fish and Wildlife Area (1)(2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Union County Conservation Area (Controlled Goose Hunting Area - open from October 1 until 25 days prior to the opening of the Quota Zone goose season; reopens with the close of the Quota Zone goose season through statewide closing) (1)(2)

Walnut Point Fish and Wildlife Area (1)

- * Washington County Conservation Area (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season) (1)(2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

- h) Statewide regulations shall apply at the following sites except that hunter quotas shall be filled by mail-in drawing:

Beaver Dam State Park

Pere Marquette State Park (hunting in designated camp areas only; season begins the first weekday after camps close)

Rend Lake State Fish and Wildlife Area (designated area on refuge only, designated dates between October 1-October 31, 1996 December-15-17-1995)

Union County Conservation Area (designated areas only--October 27-29-1995) (last 3-day (Friday, Saturday and Sunday) weekend in October)

- i) State regulations shall apply except that hunters must obtain a free permit from the site office. This permit must be in possession while hunting and must be returned, and harvest reported, to the address indicated on the card before February 15. Failure to return the permit shall result in loss of hunting privileges at that site for the following year.

Chauncey Marsh State Natural Area (permit obtained at Red Hills State Park headquarters) (1)

Clinton Lake State Recreation Area (except Inner Peninsula and Mascoutin areas) (1)

Des Plaines Conservation Area (closed to archery deer hunting during the site's upland game hunting season) (2)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Des Plaines Game Propagation Center (2)

- * Eagle Creek State Park

Fox Ridge State Park (1)

Hamilton County Conservation Area (1)

Hidden Springs State Forest (1)

Joliet Army Ammunition Plant (an additional \$15 fee will be assessed upon registration; additionally, wheelchair accessible blinds are available and will be allocated on a first come-first served basis until 12 noon to hunters with a Class P2A disability card) (2)

Kankakee River State Park (deer bowhunters must wear a cap and upper outer garment with at least 400 square inches of solid blaze orange between 9:00 a.m. and 3:00 p.m. on days when upland game hunting is allowed during the site's controlled hunting season. Additionally, a limited hunting opportunity for persons with disabilities exists at the Davis Creek Bike Trail Area. Disabled hunters, as defined in 520 ILCS 5/3.1(c), may register to hunt at the site office and must sign in and out daily. Disabled hunters are required to hunt with a non-disabled partner who may also hunt from predetermined locations during disabled hunting season (the day after the first firearm deer season as set forth in 17 Ill. Adm. Code 650.10 to December 24)

Kickapoo State Park (1)

Maitino State Fish and Wildlife Area (1)

Mernmet Lake Conservation Area (1)(2)

Middle Fork Fish and Wildlife Area (1)

- * Mississippi Palisades State Park (November 1 through December 31) (closed during the first firearm deer season) (1)

Newton Lake Fish and Wildlife Area (check deer at site office)

- * Pekin Lake Fish and Wildlife Area (1)

Ramsey Lake State Park (1)

Sam Dale Lake Conservation Area (1)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Sand Ridge State Forest (1)

- * Sangchris Lake State Park (1)(5)

Site M (1)(4)

Snake Den Hollow Fish and Wildlife Area (October 1 through start of the central zone goose season)

- * Spring Lake Fish and Wildlife Area (1)

Stephen A. Forbes State Park (1)

Ten Mile Creek Fish and Wildlife Area (areas designated as refuge are closed to all access during Canada goose season only) (1); Belle Rive Unit only (4)

Witkowsky State Wildlife Area (1)

- j) Statewide regulations shall apply except that no hunting is permitted Wednesday through Sunday of the site's permit pheasant season.

Chain O'Lakes State Park (season opens Monday prior to opening of permit pheasant hunting season and closes Tuesday following the close of the permit pheasant hunting season. Tuesday hunting hours close at 2:00 p.m. and hunters must check out by 3:00 p.m. Season reopens on December 26 till close of regular season.

Green River State Wildlife Area (1)(2)

Iroquois County Conservation Area (2)

Johnson Sauk Trail State Park

Moraine View State Park (1)

Wayne Fitzgerald State Recreation Area (no bowhunting during controlled hunts as posted at the site) (1)(2)

- k) Statewide regulations shall apply at the following sites except that hunter quotas are filled by mail-in drawing. Hunters must harvest one doe before being allowed to take an antlered deer.

Clinton Lake (Inner Peninsula and Mascoutin areas only)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: White-Tailed Deer Hunting by Use of Firearms

- 2) Code Citation: 17 Ill. Adm. Code 650

- 3) Section Numbers: Proposed Action:

650.10 Amendments
650.20 Amendments
650.21 Amendments
650.22 Amendments
650.30 Amendments
650.40 Amendments
650.50 Amendments
650.60 Amendments
650.67 Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to change site specific regulations and to update references from Department of Conservation to Department of Natural Resources.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809

- 12) Initial Regulatory Flexibility Analysis: This rule does not affect small

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

businesses.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 650

WHITE-TAILED DEER HUNTING BY USE OF FIREARMS

Section	
650.20	Statewide Deer Permit Requirements
650.21	Deer Permit Requirements - Landowner/Tenant Permits
650.22	Deer Permit Requirements - Special Hunts
650.23	Deer Permit Requirements - Group Hunt
650.30	Statewide Firearms Requirements
650.40	Statewide Deer Hunting Rules
650.50	Rejection of Application/Revocation of Permits
650.60	Regulations at Various Department-Owned or -Managed Sites
650.65	Youth Hunt
650.67	Special Hunts for Disabled Hunters
650.70	Special Extended Season Firearm Deer Hunt (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

SOURCE: Adopted at 5 Ill. Reg. 9771, effective September 17, 1981; codified at 5 Ill. Reg. 10640; amended at 6 Ill. Reg. 10730, effective August 20, 1982; amended at 7 Ill. Reg. 10798, effective August 24, 1983; amended at 8 Ill. Reg. 21602, effective October 23, 1984; amended at 9 Ill. Reg. 16213, effective October 10, 1985; emergency amendment at 9 Ill. Reg. 20922, effective December 18, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 4223, effective February 25, 1986; amended at 10 Ill. Reg. 16665, effective September 22, 1986; amended at 11 Ill. Reg. 3044, effective February 3, 1987; amended at 11 Ill. Reg. 9564, effective May 5, 1987; amended at 12 Ill. Reg. 8003, effective April 25, 1988; amended at 12 Ill. Reg. 12055, effective July 11, 1988; amended at 13 Ill. Reg. 12853, effective July 21, 1989; amended at 14 Ill. Reg. 12430, effective July 20, 1990; amended at 14 Ill. Reg. 19869, effective December 3, 1990; amended at 15 Ill. Reg. 10038, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 15790, effective October 22, 1991, for a maximum of 150 days; emergency expired March 21, 1992; amended at 16 Ill. Reg. 11131, effective June 30, 1992; amended at 17 Ill. Reg. 13468, effective July 30, 1993; amended at 18 Ill. Reg. 5859, effective April 5, 1994; amended at 18 Ill. Reg. 13431, effective August 23, 1994; amended at 19 Ill. Reg. 6477, effective April 28, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 650.10 Statewide Season and Permit Quotas

- a) Season: 12:01 a.m. on Friday of the 3-day (Friday, Saturday and

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PROPOSED AMENDMENT(S)

Sunday) weekend immediately before Thanksgiving to 6:00 p.m. on Sunday of the 3-day weekend before Thanksgiving, and 12:01 a.m. on Thursday of the first 4-day (Thursday, Friday, Saturday and Sunday) weekend following Thanksgiving to 6:00 p.m. on Sunday of the first 4-day weekend following Thanksgiving. Full season permits shall be for all days. Second season permits shall be valid for the last four days of the season only. Hunting hours are one-half hour before sunrise to sunset.

- b) Permit quotas shall be set by the Department of Natural Resources Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane counties are closed to firearm deer hunting.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Firearm Deer Permit" (\$15.00). Deer permit fees for non-resident firearm deer hunters shall be \$100.00 for each eligible firearm permit and \$25.00 for each antlerless-only permit. A permit is issued for one county or special hunt area and is valid only in the county or special hunt area stated on the permit. Only applicants who receive an eligible permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area, except in counties that are specially designated for more intensive removal of does in a given year. These counties will be identified prior to the second random daily drawing, and a limited number of antlerless-only permits will be made available regardless of whether applicants already possess an either-sex permit. For permit applications and other information write to:

Department of Natural Resources **Conservation**
(Firearm or Landowner/Tenant or Non-Resident)
Deer Permit Office

524 South Second Street, Room 210

P.O. Box 19227

Springfield, Illinois 62794-9227

- b) Applications from residents will be accepted through the last weekday in April of the current year. Applications received after the last weekday in April will not be included in the lottery. Permits will be allocated in a computerized random drawing in which only one choice of hunt area or county will be considered. Permits will be issued as either sex, antlerless only, or antlered only. A maximum of one eligible and one antlerless-only permit shall be issued per person. Applicants for free or paid landowner/tenant permits are not eligible to participate in the lottery or the first random daily drawing period. Landowners who receive permits in the lottery or first random daily drawing period are not eligible for landowner permits.

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- c) Applicants must check the second-season box if they agree to accept a second-season permit upon being rejected for a full-season permit.
- d) Applicants must check the antlerless-only box and enclose an additional \$15.00 (\$25.00 for non-residents) if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- e) Permits for counties and special hunt areas with unfilled quotas after the lottery will be allocated in a Random Daily Drawing procedure. Applications for Random Daily Drawing will be accepted beginning August 1 and ending on the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the first daily drawing. A list of unfilled counties and special hunt areas will be announced prior to the August application dates. Applicants must apply on a current year Firearm Deer Permit application form. All applications for the Random Daily Drawing will be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season. A maximum of one eligible and one antlerless-only permit shall be issued per person.
- f) In-person and mail-in applications will receive equal treatment in the drawings. For the Random Daily Drawing, applications received one day will not be processed until all applications received for that day are mixed. All applications received on a specific day will be processed before processing applications received for a subsequent day.
- g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications will be returned along with the applicant's permit fee for correction or completion if received in this office prior to the last weekday in April of the current year. No more than 6 single applications per envelope will be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for firearm, archery, and free or paid landowner/tenant permits.
- h) Applications for non-resident firearm permits will be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing. Applications received prior to August 1 will be processed in the first daily drawing.
- i) There will be an application period which starts September 1 and ends the fifth weekday in November, during which anyone (regardless of any other permit they may have) can apply for firearm deer permits left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full-season antlerless-only permits shall only be issued to successful applicants that have full-season either-sex

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permits in the county applied for. Second-season antlerless-only permits shall be issued to successful applicants that have either full-season or second-season eligible permits in the county applied for. Applicants submitting applications after October 24 cannot be guaranteed a permit by the start of the first deer hunting season. Applicants must print "September 1-Multiple Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the firearm deer permit application.

j) Hunter preference in obtaining a permit will be given to unsuccessful lottery applicants from the previous year who did not receive an either-sex permit due to the counties of their choice being full or to applicants that received, in the previous year, a second season eligible permit in the lottery only. In order to be eligible for the lottery preference, the second season box must have been checked on the application form of unsuccessful applicants when they were rejected. Preference will not be granted to applicants who received a full-season either-sex permit but who did not receive an antlerless-only permit. Persons with lottery preference will have first chance at receiving available either-sex permits. The following criteria must be met to obtain a preference in the permit lottery:

1) The applicant must apply using the official agency application.
2) The applicant must be a resident of the state, be eligible to receive a Firearm Deer Permit, and not had deer hunting privileges revoked pursuant to Section 650.50.

3) The applicant must apply for the same county or choice which he/she listed on the previous year's application. Preference will not be granted for special hunt areas.

k) Applications may be accepted at the counter window of the permit office; however, permits will be mailed.

l) Permits are not transferable. Refunds will not be granted, unless the Department of Natural Resources ~~Conservation~~ (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.

m) A three dollar (\$3.00) service fee will be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there will be no charge. Monies derived from this source will be deposited in the Wildlife and Fish Fund.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.21 Deer Permit Requirements - Landowner/Tenant-Permits

a) The immediate family of a landowner or tenant is defined as, and limited to, the spouse, children, or parents permanently residing on the same property as the landowner or tenant.

b) A tenant for the purpose of this part is one who rents 40 acres or more land for commercial agricultural purposes under an agreement with

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a landowner. Commercial agriculture shall be defined as utilization of land for the raising of hay, grain crops or livestock for profit.

c) Resident and nonresident Illinois landowners who own 40 acres or more of land, and resident tenants leasing or renting 40 acres or more of commercial agricultural lands may apply for a county-wide paid landowner either-sex permit to hunt in the county where the land is located. Members of the immediate family of the landowner or tenant are also eligible to apply for a county-wide paid landowner Firearm Deer permit. Incomplete applications will be returned. The fee for a county-wide either-sex paid landowner deer permit shall be \$15.00 for residents and \$100.00 for nonresidents. These applications will not be subject to the public drawing or the Random Daily Drawing.

d) Resident Illinois landowners who own 40 acres or more of land and resident tenants renting or leasing 40 acres or more of commercial agricultural land, and members of their immediate family, may apply for a free either-sex permit for their property only in counties open for firearm deer hunting. Recipients of the free either-sex permit will also be given a free antlerless-only permit for their property only. Nonresident Illinois landowners (of 40 acres or more land) are also eligible to apply for one either-sex permit and one antlerless-only permit for their property only. The fee to nonresident Illinois landowners (of 40 acres or more land) for permits for their property only shall be \$50.00 for the either-sex permit and \$25.00 for the antlerless only permit. These applications will not be subject to the permit lottery described above or the Random Daily Drawing. This deer hunting permit shall be valid on all farmlands which the person to whom it is issued owns, leases or rents in counties open for firearm deer hunting.

e) Date of acceptance of landowner/tenant property-only permit applications will be publicly announced. Applications for county-wide paid permits must be submitted by the last weekday in April.

f) Landowners and resident tenants are not required to participate in the public drawing for permits.

g) Proof of ownership for all landowner or tenant applications must be provided by one of the following methods:

- 1) Submittal of a copy of property deed;
- 2) Submittal of a copy of contract for deed;
- 3) Submittal of a copy of a tax statement for the property (upon which the landowner's name appears as landowner, or person signing application appears as landowner);
- 4) Submittal of a copy of either an Agricultural Stabilization and Conservation Service 476 or Commodity Credit Corporation 477 Form; or

5) Submittal of a copy of a trust agreement which must indicate that the trust owns at least 40 acres and the applicant is a current income beneficiary of the trust.

h) Tenant permit applicants are required to submit, in addition to the landowner certification and proof of ownership, a copy of one of the

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following:

- 1) A copy of a lease or a rental agreement, file stamped as recorded by the County Clerk, covering the current year; or
- 2) A copy of either an Agricultural Stabilization and Conservation Services 476 Form or Commodity Credit Corporation 477 Form.
- i) A hunting rights lease, or other non-agricultural lease, is not valid as a basis for obtaining a landowner or tenant permit.
- j) County-wide permit holders are authorized to firearm deer hunt only in the county identified on the deer permit and only on property where permission to hunt has been obtained from the property owner.
- k) If the property is owned or rented by more than one person: Only one landowner (and his immediate family) or one tenant (and his immediate family) shall be issued a permit on a first-come, first-serve basis for every 40 acres of owned or rented land. For example, if 3 persons own 90 acres, only 2 of the landowners and their immediate family may receive deer permits.
- 1) Shareholders of corporations owning 40 or more acres of land in a county may apply for one either-sex permit to hunt the corporation lands only. Only one permit per 40 acres, for a maximum number of 15 permits per county shall be issued based on ownership of lands by corporations. Lands leased to corporations shall not be considered as a basis for a permit for the shareholders of the lessee. Lands held in trust by corporations shall not be considered as a basis for a permit by the shareholders of the trustee. If application is made for a permit based upon lands owned by the corporation, a duly authorized officer of the corporation must sign a notarized statement authorizing the applicant to hunt on the corporate lands for which a permit is being requested. This statement must identify the applicant as a shareholder, identify authorization to hunt and identify that no more than 15 authorizations will be requested per county for the corporation lands. This document must be attached to the application upon submittal to the Permit Office. The shareholder either-sex permit shall be free to resident shareholders, and the cost to nonresident shareholders shall be \$50.00. An antlerless-only shareholder permit (free to resident shareholders; \$25 to nonresident shareholders) will be made available if in the best interest of managing the deer herd.
- m) Landowners or tenants that apply for or receive Landowner/Tenant Firearm Deer Permits may not apply for additional permits in the lottery or the First Random Daily Drawing.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.22 Deer Permit Requirements - Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at

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which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 650.60(h). The permit preference system does not apply to special hunt areas or to State sites allocating permits in the lottery.

- 1) Cilco Duck Creek (Fulton County, first season only)
- 2) Cilco Duck Creek Handicapped (Fulton County, first season only)
- 3) Crab Orchard National Wildlife Refuge (the first and second season are considered separate hunt choices, and permit applicants must specify which season they are applying for in the County Choice or Hunt Area field of the application. Permits may be issued as antlerless-only without the normal bonus requirement. Standby hunting will be allowed if additional permits are available at the site)
- 4) Joliet Army Ammunition Plant (Will County)
- 5) Joliet Army Training Area (Will County)
- 6) Lake Shelbyville Project Lands (Moultrie County)
- 7) Lake Shelbyville Project Lands except Wolf Creek State Park (Shelby County)
- 8) Savanna Army Depot (Jo Daviess County)
- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources ~~Conservation~~, or the application will be RETURNED. Applicants should not send cash with their applications. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.30 Statewide Firearms Requirements

- a) The only legal hunting devices to take, or attempt to take, deer are:
 - 1) Shotgun, loaded with slugs only, of not larger than 10 nor smaller than 20 gauge, not capable of firing more than 3 consecutive slugs; or
 - 2) A single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least sixteen inches in length.
- b) The standards and specifications for use of such muzzleloading firearms are as follows:
 - 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
 - 2) The minimum size of the muzzleloading firearm projectile shall be .44 -440 caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Full metal jacket bullets cannot be used to harvest white-tailed deer.

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- 3) Only black powder or a "black powder substitute" such as Pyrodex may be used.
- 4) Percussion caps, wheellock, matchlock or flint type ignition only may be used.
- 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized eligible, antlered-only or antlerless-only permit. An eligible permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Firearm Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt) and physical description on the permit and must carry it on their person while hunting.
- c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Deer shall be checked in by the hunter in person by 8:00 p.m., the same day it is killed; either at the county check station or the nearest check station to the kill site. Failure to follow this Section constitutes illegal possession of deer. Site specific reporting requirements must be followed in addition to this Section. Persons delivering deer/parts of deer to a taxidermist, ~~furbuyer~~ or tanner for processing must supply the taxidermist, ~~furbuyer~~ or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist, ~~furbuyer~~ or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- d) Hunters shall not have in their possession, while in the field during firearm deer season, any deer permit issued to another person (permits are non-transferrable).
- e) Permits will not be re-issued in cases involving deer taken which are

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found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether or not the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources **Conservation**. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.

- 1) Using hunting rights lease or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a firearm deer permit.
- 2) Submitting more applications in the same name or by the same person for Firearm Deer Permits than the number of legally authorized permits.
- 3) Applying prior to September 1 for a firearm deer permit if the applicant has already been issued a muzzleloading rifle deer permit or a free/paid landowner permit.
- 4) Providing false and/or deceptive information on the deer permit application form.
- 5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code [520 ILCS 5/3.36].
- b) Any violation of the Wildlife Code [520 ILCS 5] or administrative rules of the Department (17 Ill. Adm. Code, Chapter I), in addition to other penalties, may result in revocation of deer hunting permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

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- b) Only one tree stand is allowed per deer permit holder. These tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510.10(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in subsections (f) and (g) of this Section that are followed by a (1).
- c) Check-in, check-out, and reporting of harvest is required at those sites listed in subsections (f) and (g) of this Section that are followed by a (2).
- d) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in subsections (f) and (g) of this Section that are followed by a (3).
- e) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in subsections (f) and (g) of this Section that are followed by a (4).
- f) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond (1) (2)

Carlyle Lake Lands and Waters (Corps of Engineers managed lands)

Carlyle Lake Wildlife Management Area (except subimpoundment area)

Chauncey Marsh (1) (2)

Crawford County Conservation Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres State Historic Site (muzzleloading rifles only)
(1) (2)

Giant City State Park (1) (2)

Hamilton County Conservation Area (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl

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Management Area closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Mississippi River Pool 16 (1)

Mississippi River Pools 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Newton Lake Fish and Wildlife Area (2)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Pere Marquette State Park (hunting in designated areas only) (2)

Pyramid State Park (1) (2)

Rend Lake State Fish and Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sangamon County Conservation Area

Sanganois State Wildlife Area (1)

Southern Illinois University - Indian Creek Management Unit (1) (2)

Ten Mile Creek Fish and Wildlife Area (1); Belle River Unit only (3)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (1) (2)

Weinberg-King State Park (2)

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Wildcat Hollow State Forest (1)

g) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (5). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, unless exempt. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5.00. All hunters must check out and report harvest.

Argyle Lake Recreation Area (5)

Big River State Forest (5)

Castle Rock State Park (1) (2) (5)

Coffee Lake State Fish and Wildlife Area (first season only)

Coffee Lake State Fish and Wildlife Area (second season only)

Des Plaines Conservation Area (first season only) (2) (5)

Fox Ridge State Park

Green River State Wildlife Area (first season only) (1) (2) (5)

Heidecke State Fish and Wildlife Area (2) (3) (5)

Hidden Springs State Forest

Horseshoe Lake Conservation Area - Alexander County (Refuge and Public Hunting Area, last Saturday in October ~~October-29, 1995~~)

Iroquois County Conservation Area/Hooper Branch (first season only) (2) (5)

Iroquois County Conservation Area - Hooper Branch only (second season only) (2) (5)

Joliet Army Ammunition plant (an additional \$15 fee will be assessed upon registration; additionally, wheelchair accessible blinds are available and will be allocated on a first come-first served basis until 12 noon to hunters with a Class P2A disability card) (2) (3) (5)

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Kickapoo State Park (2) (5)

Lowden-Miller State Forest (1) (2) (3) (5)

Mackinaw River Fish and Wildlife Area (1) (2) (5)

Marseilles Wildlife Area (1) (2) (5)

Marshall Fish and Wildlife Area (2) (5)

Middle Fork Fish and Wildlife Area (2) (5)

Mississippi Palisades State Park (first season only)

Morrison Rockwood State Park (first season only) (5)

Ray Norbut Pike-County Conservation Area (2) (5)

Sand Ridge State Forest (1) (2)

Silcoam Springs State Park (2) (3)

Site M (1) (2) (3)

~~Snake-Ben-Hollow-Fish-and-Wildlife-Area--(the--last--Saturday--in January)--(5)~~

Tapley Woods State Natural Area

Witkowsky Wildlife Area

Wolf Creek State Park

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 650.67 Special Hunts for Disabled Hunters

Statewide regulations shall apply; season dates shall be the Thursday, Friday, and Saturday immediately prior to the first firearm deer season, and the Thursday, Friday, and Saturday immediately following the second weekend of the regular firearm season. Permit applications may be obtained from the appropriate Illinois Department of Natural Resources Conservation regional office, and completed applications must be returned to that office by the third Friday in October. Disabled hunters must possess a Class P2A disability card in order to be eligible for the drawing. All participating hunters must show proof of passing the Illinois Hunter Safety Course or an equivalent State program for nonresidents. Additional regulations will be publicly announced.

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Rock Cut State Park (2) (5)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Muzzleloading Rifles
- 2) Code Citation: 17 Ill. Adm. Code 660
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
660.10	Amendments
660.20	Amendments
660.22	Amendments
660.30	Amendments
660.40	Amendments
660.50	Amendments
660.60	Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].
- 5) A Complete Description of the Subjects and Issues Involved: This Part is being amended to change site specific regulations and to update references from Department of Conservation to Department of Natural Resources.
- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Natural Resources
524 S. Second Street
Springfield, IL 62701-1787
217/782-1809
- 12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996

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The full text of the Proposed Amendments begins on the next page:

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TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF CONSERVATION

SUBCHAPTER b: FISH AND WILDLIFE

PART 660

WHITE-TAILED DEER HUNTING SEASON BY USE
OF MUZZLELOADING RIFLES

Section

660.10	Statewide Season and Permit Quotas
660.20	Statewide Deer Permit Requirements
660.21	Deer Permit Requirements - Free Landowner/Tenant Permits
660.22	Deer Permit Requirements - Special Hunts
660.25	Deer Permit Requirements - Group Hunt
660.30	Statewide Muzzleloading Rifle Requirements
660.40	Statewide Deer Hunting Rules
660.45	Reporting Harvest
660.50	Rejection of Application/Revocation of Permits
660.60	Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26, 2.33 and 3.36].

SOURCE: Adopted at 15 Ill. Reg. 4777, effective March 18, 1991; amended at 15 Ill. Reg. 11627, effective August 2, 1991; amended at 16 Ill. Reg. 11150, effective June 30, 1992; amended at 17 Ill. Reg. 10865, effective July 1, 1993; amended at 18 Ill. Reg. 5878, effective April 5, 1994; amended at 18 Ill. Reg. 13435, effective August 23, 1994; amended at 19 Ill. Reg. 6500, effective April 28, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 660.10 Statewide Season and Permit Quotas

- a) Season: One-half hour before sunrise on Friday of the third 3-day (Friday, Saturday, Sunday) weekend following Thanksgiving to sunset on Sunday of this 3-day weekend in December. The hunter with a Muzzleloading Rifle Deer Permit may also hunt during the second firearm deer season (the first 4-day weekend -- Thursday, Friday, Saturday and Sunday -- following Thanksgiving), providing the hunter must use only a legal muzzleloading rifle and must abide by 17 Ill. Adm. Code 650.60 when hunting on Department-owned or -managed sites. Hunting hours are one-half hour before sunrise to sunset.
- b) Permit quotas shall be set by the Department of Natural Resources Conservation on a county or special hunt area basis. Cook, DuPage, Lake and Kane counties are closed to muzzleloading rifle deer hunting.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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Section 660.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Muzzleloading Rifle Deer Permit" (\$15.00). Muzzleloading rifle deer permit fees for non-residents shall be \$100.00 for each either-sex muzzleloading permit and \$25.00 for each antlerless-only permit. A permit is issued for one county and is valid only in the county stated on the permit. Only applicants who receive an either-sex permit in a county or special hunt area are eligible for an antlerless-only permit for that county or special hunt area. For permit applications and other information write to:

Department of Natural Resources Conservation
(Muzzleloading Rifle)
Deer Permit Office
524 South Second Street, Room 210
P.O. Box 19227
Springfield, IL 62794-9227

- b) Applications from residents shall be accepted through the last weekday in April of the current year. Applications received after the last weekday in April shall not be included in the lottery. Permits shall be allocated in a computerized random drawing in which only one choice of hunt area or county shall be considered. Permits shall be issued as either-sex, antlerless-only or antlered only. A maximum of one either-sex and one antlerless-only permit shall be issued per person.
- c) Applicants must check the antlerless-only box and enclose an additional \$15.00 if they want to apply for an additional antlerless-only permit. Antlerless-only permits will be issued until the antlerless-only quota is filled for a given county or special hunt area.
- d) Permits for counties with unfilled quotas after the lottery shall be allocated in a random drawing procedure. Applications for the random daily drawing shall be accepted beginning August 1 and ending on the tenth weekday in August of the current year. Applicants may also apply for remaining antlerless-only permits by checking the antlerless-only box and enclosing an additional \$15.00. Applications received prior to August 1 will be processed in the August 1 daily drawing. A list of unfilled counties shall be announced prior to the August application dates. Applicants must apply on a current year "Muzzleloading Rifle" Deer Permit application form. All applications for the random daily drawing shall be processed individually. This application period is open only to those applicants who were not previously issued firearm permits for the current hunting season, except as provided in Section 660.20(e). A maximum of one either-sex and one antlerless-only permit shall be issued per person.

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- e) Those applicants who have already received a muzzleloading rifle permit and did not check the antlerless-only box may apply for an antlerless-only permit for the county specified on their either-sex permit beginning September 1. Applicants shall complete an application form, provide a photocopy of their either-sex permit, and enclose a check for \$15.00 (\$25.00 for non-residents).
- f) In-person and mail-in applications shall receive equal treatment in the drawings. For the random daily drawing, applications received one day shall not be processed until all applications received for that day are mixed. All applications received on a specific day shall be processed before processing applications received for a subsequent day.
- g) Applicants must complete all portions of the current year permit application form. Incomplete or incorrect applications shall be returned along with the applicant's permit fee for correction or completion if received in this office prior to the last weekday in April of the current year. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, archery, and free or paid landowner/tenant permits.
- h) Applications for non-resident muzzleloading rifle firearm permits shall be accepted beginning August 1 and will be included with the residents in the Random Daily Drawing.
- i) There will be an application period which starts September 1 and ends the fifth weekday in November during which anyone (regardless of any other permit they may have) can apply for muzzleloading deer permits (\$15.00 fee) left over from the county and special hunt area quotas. During the application period, the permits shall be issued in a random daily drawing. Applicants can apply for one or more permits during this application period. Full season antlerless-only permits shall only be issued to successful applicants that have full season either-sex permits for that county. Applicants submitting applications after October 24 cannot be guaranteed a permit by the start of the second firearm deer hunting season. Applicants must print "September 1-Multiple Muzzleloader Permits" on the outside of the envelope and mark the "September 1-Multiple Permits" box on the muzzleloading rifle deer permit application.
- j) Hunter preference in obtaining a muzzleloading rifle permit shall be given to unsuccessful lottery applicants from the previous year who were unsuccessful due to the county of their choice being full. The following criteria must be met to obtain a preference in the muzzleloading rifle permit lottery.
- 1) The applicant must apply using the official agency preprinted data-mailer application.
 - 2) The applicant must be a resident of the state, be eligible to receive a Muzzleloading Rifle Deer Permit, and not had deer

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- hunting privileges revoked pursuant to Section 660.50.
- 3) The applicant must apply for the same county choice which he/she listed on the previous year's application.
- 4) Where applicants apply as a group, preference for the entire group shall apply as it does above for the individual. All county choices for the group must be identical.
- k) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- l) Permits are not transferable. Refunds shall not be granted unless the Department of Natural Resources Conservation (Department) has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- m) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- n) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Natural Resources Conservation, or the application shall be returned. Applications should not send cash with their applications. The Department shall not be responsible for cash sent through the mail.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 660.22 Deer Permit Requirements - Special Hunts

- a) Special hunt sites are defined as those sites which are owned or controlled by agencies/entities other than the Department, or sites at which the Department only controls a portion of the property designated for deer hunting, which issue deer hunting permits through the statewide lottery process. The Permit Office issues deer hunting permits through a computerized drawing for sites listed below, in addition to the Department-owned or -managed sites listed in Section 660.60(h).

Delair Division, Mark Twain National Wildlife Refuge (second 3-day (Friday, Saturday and Sunday) weekend in January) (last-3 days-only; additional regulations will be publicly announced)

- b) Each applicant must enclose a separate fee (check or money order) payable to the Department of Natural Resources Conservation, or the application will be RETURNED. Applicants should not send cash with their application. The Department will not be responsible for cash sent through the mail.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 660.30 Statewide Muzzleloading Rifle Requirements

- a) The only legal hunting device is a single or double barreled muzzleloading firearm of at least .45 caliber shooting a single projectile through a barrel of at least 16 inches in length. (Except that the otherwise lawful possession of rifles to take furbearing mammals and game mammals other than deer shall not be prohibited during the muzzleloading rifle deer season as set in Section 660.10.)
- b) The standards and specifications for use of such muzzleloading firearm are as follows:

- 1) A muzzleloading firearm is defined as a blackpowder firearm that is incapable of being loaded from the breech end.
- 2) The minimum size of the muzzleloading firearm projectile shall be .44 -~~44~~ caliber. A wad or sleeve is not considered a projectile or a part of the projectile. Full metal jacket bullets cannot be used to harvest white-tailed deer.
- 3) Only black powder or a "black powder substitute" such as Pyrodex may be used.
- 4) Only percussion caps, wheellock, matchlock or flint type ignition may be used.
- 5) Removal of percussion cap or removal of prime powder from frizzen pan with frizzen open and hammer all the way down or removal of prime powder from flashpan and wheel un-wound or removal of prime powder and match with match not lit shall constitute an unloaded muzzleloading firearm.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 660.40 Statewide Deer Hunting Rules

- a) The bag limit is one deer per legally authorized either-sex, antlered-only or antlerless-only permit. An either-sex permit holder is allowed to take a deer with or without antlers. An antlered-only permit holder is allowed to take only a deer having at least one antler of a length of 3 or more inches. An antlerless only permit holder is allowed to take only a deer without antlers or a deer having antlers less than 3 inches long.
- b) Recipients of the Muzzleloading Rifle Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt), and physical description on the permit and must carry it on their person while hunting.
- c) The leg tag shall be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts

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of deer to a taxidermist--~~taxidermist~~ or tanner for processing must supply the taxidermist--~~taxidermist~~ or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist--~~taxidermist~~ or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.

- d) Hunters shall not have in their possession, any deer permit issued to another person, while in the field during muzzleloading rifle deer season (permits are non-transferable).
- e) Permits will not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Legal disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 660.50 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Natural Resources **Conservation**. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should it be determined that the violation was without the knowledge of the applicant, the permit office will process only the number of applications allowed by administrative rule with additional applications rejected and fees returned.

- 1) Using hunting rights lease, or mineral rights lease or other lease for land which does not evidence a genuine farm tenancy to obtain a landowner or tenant firearm deer permit.
- 2) Submitting more application in the same number or by the same person for a Muzzleloading Rifle Deer Permit than allowed in Section 660.20.
- 3) Applying prior to September 1 for a muzzleloading rifle deer permit if you have applied for and received a regular shotgun firearm permit.
- 4) Providing false and/or deceptive information on the deer permit application form.
- 5) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code.

- b) Any violation of Section 1.1, et seq., of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as

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per 17 Ill. Adm. Code 2530.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 660.60 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) Only one tree stand is allowed per deer permit holder. Tree stands must comply with restrictions listed in 17 Ill. Adm. Code 510(c)(3) and must be portable. Tree stands must be removed at the end of each day with the exception that they may be left unattended from September 15 - January 31 at those sites listed in the following subsections that are followed by a (1).
- c) Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- d) Handicapped preferred hunting opportunities are provided at those sites listed in the following subsections that are followed by a (3).
- e) Only antlerless deer or antlered deer having at least four points on one side may be harvested at those sites listed in the following subsections that are followed by a (4).
- f) Only antlerless deer or antlered deer having at least five points on one side may be harvested at those sites listed in the following subsections that are followed by a (5).
- g) Statewide regulations shall apply at the following sites:

Cache River State Natural Area (1) (2)

Campbell Pond Fish and Wildlife Area (1) (2)

Carlyle Lake Wildlife Management Area except subimpoundment areas

Carlyle Lake Lands and Waters - Corps of Engineers managed lands

Chauncey Marsh (1) (2)

Crawford County Fish and Wildlife Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Ferne Clyffe State Park (1) (2)

Fort de Chartres Historic Site (1) (2)

Giant City State Park (1) (2)

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Hamilton County Fish and Wildlife Area (1) (2)

Hidden Springs State Forest (closed during second firearm deer season) (1) (2)

Horseshoe Lake Conservation Area - Alexander County (all portions of the Public Hunting Area except the Controlled Goose Hunting Area) (1) (2)

I-24 Wildlife Management Area (1) (2)

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area is closed during duck season) (2, except south of Highway 154 and north of Highway 13)

Kickapoo State Park (closed during second season firearm deer season) (1) (2) †6†

Kidd Lake State Natural Area (1)

Kinkaid Lake Fish and Wildlife Area (1) (2)

Mermet Lake Conservation Area (1) (2)

Middle Fork Fish and Wildlife Area (closed during second firearm deer season) (1) (2) †6†

Mississippi River Pool 16 (1)

Mississippi River Pool 17 (1)

Mississippi River Pool 18 (1)

Mississippi River Pools 21, 22, 24

Mississippi Fish and Waterfowl Management Area - Pools 25 and 26

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Pere Marquette State Park (hunting in designated area only) (2)

Pike-County-Conservation-Area-†2†

Pyramid State Park (1) (2)

Ray Norbut Conservation Area (2)

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Rend Lake Fish and Wildlife Area

Saline County Fish and Wildlife Area (1) (2)

Sand Ridge State Forest (1) (2)

Sangancio Fish and Wildlife Area (1)

Ten Mile Creek Fish and Wildlife Area (1); Belle Rive Unit only (4)

Trail of Tears State Forest (1) (2)

Turkey Bluffs Fish and Wildlife Area (1) (2)

Union County Conservation Area (1) (2)

Weinberg-King State Park (2)

Wildcat Hollow State Forest (1)

- h) Statewide regulations shall apply at the following sites by special permit allocated through the regular statewide drawing. Season dates that differ from the statewide dates are in parentheses. Sites that offer standby hunting are followed by a (6). At sites offering standby hunting, permit holders must register at the check station by 5:00 a.m. each day of the hunt. Unvalidated permits are void after 5:00 a.m. Vacancies each day will be filled by a drawing held at 5:00 a.m. Vacancies may be filled by any person holding a valid hunting license, Habitat Stamp, and Firearm Owner Identification Card, if required. Standby hunters will be issued a one-day site-specific deer permit at the check station, and charged a permit fee of \$5.00. All hunters must check out and report harvest.

Tapley Woods State Natural Area (closed during the second firearm deer season)

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Radiation Inspectors And Inspections2) Code Citation: 32 Ill. Adm. Code 410

<u>Section Number:</u>	<u>Proposed Action:</u>
410.10	Amendment
410.20	Amendment
410.30	Amendment
410.35	Amendment
410.50	Amendment
410.60	Amendment
410.80	Amendment

4) Statutory Authority: Implementing and authorized by Sections 5 and 25 of the Radiation Protection Act of 1990 (420 ILCS 40/5 and 25).

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing this amendment to clear up an inconsistency between this rule and the provisions of the Radiation Protection Act of 1990 regarding the suspension or revocation of a nondepartment qualified inspector's (NDI's) registration. This amendment will provide a mechanism to suspend or revoke an NDI's registration. This amendment will also delete the late payment penalty for the Department's x-ray registration and inspection program. In addition, the Department is deleting the \$25 filing fee for nondepartment inspections of mammography machines but will bill the operator a \$25 inspection review fee per radiation machine as soon as practical after the Department receives the nondepartment qualified inspector's radiation inspection report. Finally, the Department is correcting the phrase "qualified nondepartment inspector" to reflect the statutory language of "nondepartment qualified inspector" each time it appears in this Part.

6) Will this proposed amendment replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be

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submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Valerie A. Puccini
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 785-9880 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: The Department does not believe that these amendments will impact small businesses, small municipalities or not-for-profit corporations.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

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TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 410

RADIATION INSPECTORS AND INSPECTIONS

- Section 410.10 Policy and Scope
410.20 Radiation Inspectors Education/Experience and Instrumentation Requirements
410.30 Approval of Application and Application/Registration Fees
410.35 Suspension and Revocation of Registration as a Nondepartment Qualified Inspector Removal-of-Approval-as-Qualified-Nondepartment-inspector
410.40 Radiation Installations and Classifications
410.50 Inspection Procedures
410.60 Choice of Type of Inspector, Inspection Fees and Inspection Schedule
410.70 Separate Installation
410.80 Change in Operator
ILLUSTRATION A New Facility Filing Anniversary Date (Class C Facility Used As An Example) (Repealed)
ILLUSTRATION B Existing Facility Filing Anniversary Date (Class B Facility Used As An Example) (Repealed)

AUTHORITY: Implementing and authorized by Sections 5 and 25 of the Radiation Protection Act of 1990 [420 ILCS 40/5 and 25].

SOURCE: Adopted at 8 Ill. Reg. 23209, effective November 19, 1984; amended at 9 Ill. Reg. 17821, effective November 5, 1985; amended at 10 Ill. Reg. 13265, effective July 29, 1986; amended at 13 Ill. Reg. 342, effective January 30, 1989; amended at 14 Ill. Reg. 13638, effective August 13, 1990; amended at 17 Ill. Reg. 17953, effective October 4, 1993; amended at 20 Ill. Reg. _____, effective _____.

Section 410.10 Policy and Scope

- a) This Part implements the provisions of the Radiation Protection Act of 1990 (the Act) (~~title-Rev-Stat--1991-ch--111-127-par--210-i-et-seq--~~ [420 ILCS 40]) regarding the inspection of radiation machines by qualified nondepartment qualified inspectors. Specifically this Part:
1) Establishes procedures for inspections of radiation machines;
2) Establishes the standards and procedures that the Department will apply for approving individuals as qualified nondepartment qualified inspectors of radiation machines;
3) Establishes standards and procedures to be applied by the Department when withdrawing its approval of a qualified nondepartment qualified inspector; and

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- 4) Establishes the Department's procedures for reviewing the inspection procedures followed by qualified nondepartment qualified inspectors and the inspection reports prepared by nondepartment qualified inspectors.
b) This Part shall apply to any person who operates a radiation installation in Illinois. This Part shall also apply to any person, other than a Departmental inspector, who performs inspections or tests of radiation machines required by Section 25 of the Radiation Protection Act of 1990.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

Section 410.20 Radiation Inspectors Education/Experience and Instrumentation Requirements

- a) Inspections and testing of radiation machines shall be conducted by designated Department personnel or by qualified nondepartment qualified inspectors that are approved by the Department in accordance with Section 410.30 of this Part.
b) In addition to satisfying the other requirements for approval set forth in this Part, an individual seeking approval as a qualified nondepartment qualified inspector shall meet the education/certification and experience in clinical practice requirements indicated in any one of the criteria set forth in this subsection (b) below.

Education and/or Certification

- | | Education and/or Certification | Experience |
|----|--|---|
| 1) | Certification by the American Board of Radiology, American Board of Medical Physics or Canadian College of Medical Physics, in radiological physics or diagnostic radiological physics | and experience included in certification. |
| 2) | Certification by the American Board of Health Physics | and 6 months of x-ray survey experience. |
| 3) | Doctorate (Ph.D.) or Master's (MS/MA) degree in health physics, | and 1 year of applied x-ray radiation protection experience |

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medical radiological physics or physics of which 6 months must be x-ray experience.

- 4) Bachelor's degree in health physics, radiological physics or physics (BS/BA) and 2 years of x-ray radiation protection experience of which 6 months must be x-ray survey experience.

- 5) Master's (MS/MA) or Bachelor's (BS/BA) degree in a physical or life science or in mathematics and 3 years of x-ray radiation protection experience of which 1 year must be x-ray survey experience.

c) Upon initial application to the Department, and as a condition for approval as a qualified inspector, an applicant shall submit verification of access to instruments which will enable the individual to perform inspections and tests in accordance with Department standards.

d) Individuals approved by the Department as qualified nondepartment qualified inspectors ~~prior--to--the--effective--date--of--this--Part~~ will continue to remain approved as qualified nondepartment qualified inspectors unless approval is removed for cause pursuant to Section 410.35 of this Part.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 410.30 Approval of Application and Application/Registration Fees

- a) An applicant for approval by the Department as a qualified nondepartment qualified inspector shall submit a complete and legible application on a form prescribed and furnished by the Department. ~~The Department shall assess each applicant an application fee of \$50--as prescribed--in--Section--25--(e)--of--the--Act, which will serve as a registration fee for the remainder of the calendar year.~~ The application fee is non-refundable. (Section 25(e) of the Act)
- b) The Department shall provide written notification to the applicant concerning the status of the application within 4 weeks after receipt of the application. If approval is granted, the applicant shall receive a "Notice of Approval" and the individual's name and address shall be entered in the record of persons approved as qualified nondepartment qualified inspectors of radiation machines.
- c) ~~The Department shall assess all qualified nondepartment qualified inspectors an annual registration fee of \$50--as--prescribed--in--Section 25(e)--of--the--Act, payable on January 1 of each year.~~ The registration

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fee is non-refundable. (Section 25(e) of the Act) Failure of the inspector to remit the appropriate registration fee by January 1, will cause the Department to remove the individual's name from the record specified in subsection (b) of this Section above. If an individual's name is removed from the record of qualified nondepartment qualified inspectors, the Department will not accept radiation machine inspection reports completed on or after the date the inspector's name was removed from the record.

- d) If an individual's name has been removed from the record of nondepartment qualified inspectors due to nonpayment of the fee prescribed in Section 25(e) of the Act, that individual's name shall be reinstated automatically to the record of nondepartment qualified inspectors upon payment of and receipt by the Department of the prescribed fee.

~~AGENCY NOTE--The annual registration fee for qualified--nondepartment inspectors is \$50--(See--Section--25(e)--of--the--Act.)~~

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 410.35 Suspension and Revocation of Registration as a Nondepartment Qualified Inspector Removal of Approval as Qualified Nondepartment Inspector

- a) The Department may suspend or revoke the registration of ~~withdraw--its approval--and--remove~~ an individual as a nondepartment qualified inspector and remove the individual's name from the record of qualified nondepartment qualified inspectors for any one or a combination of the following causes:

- 1) Knowingly causing a material misstatement or misrepresentation to be made in the application for approval as a qualified nondepartment qualified inspector if such misstatement or misrepresentation would impair the Department's ability to assess and evaluate the applicant's qualifications for approval under this Part;
- 2) Willfully evading the Department's regulations, or willfully aiding another person in evading such regulations;
- 3) Exhibiting significant or repeated incompetence in the performance of inspections of radiation machines;
- 4) Knowingly submitting to the Department an inspection report that contains false or misleading information; ~~or~~
- 5) Submitting to the Department under his/her inspector identification number and signature a report for an inspection that he or she did not personally perform; ~~or~~
- 6) ~~Failing--to--pay--the--registration--fee--prescribed--in--Section--25(e) of--the--Act.~~

- b) If, based upon any of the above grounds, the Department determines that action is necessary to suspend or revoke the registration of a ~~withdraw--approval--of--a--qualified~~ nondepartment qualified inspector and

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to remove the individual's name from the record of qualified nondepartment qualified inspectors, the Department shall notify the individual of the reason for its action and the proposed length of suspension and shall provide an opportunity for a hearing in accordance with 32 Ill. Adm. Code 200.60. An opportunity for a hearing shall be provided before the Department takes action to suspend or revoke an individual's registration withdraws its approval of a nondepartment inspector or removes the name of an individual from the record of approved qualified nondepartment inspectors.

et if an individual's name has been removed from the record of qualified nondepartment inspectors due to nonpayment of the fee prescribed in Section 25 of the Act, that individual's name shall be reinstated automatically to the record of qualified nondepartment inspectors upon receipt by the Department of the prescribed fee.

cld An individual whose registration name has been revoked removed from the record of qualified nondepartment qualified inspectors may seek reinstatement to the record by filing a petition for reinstatement with the Department which complies with the requirements of 32 Ill. Adm. Code 200.40. Such petition may only be accepted for consideration by the Department 1 year or more after the individual's name has been removed from the record of qualified nondepartment qualified inspectors. The individual shall be afforded a hearing in accordance with 32 Ill. Adm. Code 200.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 410.50 Inspection Procedures

- a) The qualified nondepartment qualified inspector shall:
 - 1) Establish whether radiation machines are being maintained and operated in accordance with standards established by the Department to protect the public health as set forth in 32 Ill. Adm. Code 310, 320, 340, 350, 360, 380, 390, 400 and 401; and
 - 2) Consult with the operator to ascertain the identity of individuals who use the equipment to administer ionizing radiation to human beings (see 32 Ill. Adm. Code 360.30(a)(4) and 360.30(i)) and to verify that those named individuals are licensed in accordance with State law, are accredited by the Department or are exempt from such requirements in accordance with 32 Ill. Adm. Code 401.30.
- b) The qualified nondepartment qualified inspector shall provide timely, accurate and thorough inspection reports and certify all survey findings on appropriate Department radiation machine inspection forms. A survey instruction manual will be provided to each inspector by the Department for the completion of this requirement.
- c) The qualified nondepartment qualified inspector shall perform radiation measurements with instruments which are sufficiently

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sensitive to determine compliance with the standards established by the Department under this section. These instruments shall be calibrated with devices which have no more than a three-step (tertiary) calibration, traceable to the National Institute of Standards and Technology.

d) The qualified nondepartment qualified inspector shall certify on each radiation inspection report that he prepares for submission to the Department that he personally performed the inspection and that the inspection was performed in accordance with the standards established by the Department. (See Section 25(b) of the Act.)

e) The qualified nondepartment qualified inspector shall certify on appropriate Department radiation machine inspection forms for each inspection that his/her instruments have been properly calibrated at intervals not to exceed 12 months prior to each inspection.

f) The qualified nondepartment qualified inspector shall maintain, for a period of at least one inspection cycle (see Section 410.60(d) of this Part), a copy of all inspection data gathered during inspections of radiation machines conducted in accordance with subsection (a) of this Section above.

g) Each operator of a radiation installation shall, within 30 days of completion of the inspection and testing of each radiation machine by a qualified nondepartment qualified inspector, forward a clear, legible copy of the inspection report along with the appropriate inspection review fitting fee to the Department. (See Section 410.60(a)(3) of this Part.)

h) In the event the Department has reason to question the accuracy or thoroughness of a radiation machine inspection report due to the submission of incomplete or contradictory information, or, if the Department is not able to verify compliance with the Department's standards for operating such equipment in accordance with 32 Ill. Adm. Code 310, 320, 340, 350, 360, 380, 390, 400 and 401, the report will be returned to the operator for completion, correction or for reinspection as appropriate. Forms returned to the operator for corrections or completion, or for reinspection must be returned to the Department within 30 days of receipt.

i) Within 30 days of receipt of a completed radiation machine inspection report, the Department will provide results to the operator regarding the inspector's survey.

j) Reviews of qualified nondepartment qualified inspectors' survey findings and inspection procedures will be conducted by the Department. Items and procedures considered as part of such reviews shall include, but need not be limited to, one or more of the following:

- 1) The type of instruments used by the inspector;
- 2) The procedures for the use of these instruments to determine compliance with Department standards;
- 3) The thoroughness and accuracy of inspection reports;
- 4) Use of other documents and investigative procedures to assure

DEPARTMENT OF NUCLEAR SAFETY

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compliance with Department standards listed in subsection (a) of this Section above;

- 5) Reinspection and testing by the Department of the radiation machines, records, and associated operation procedures of a radiation installation that were inspected by a qualified nondepartment qualified inspector; and
- 6) Visual observation of the nondepartment qualified inspector during the performance of an inspection.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 410.60 Choice of Type of Inspector, Inspection Fees and Inspection Schedule

- a) Operators of radiation installations shall assure that the installations, including all radiation machines located therein, are registered with the Department in accordance with the provisions of 32 Ill. Adm. Code 320 and are inspected and tested in accordance with the requirements of this Part.

1) Operators may elect to have their radiation machines and associated operating procedures inspected and tested by either a Departmental inspector or by a qualified nondepartment qualified inspector whose name is included in the Department's record of persons approved as nondepartment qualified inspectors of radiation machines.

- 2) The fee for a Department inspection and testing will be \$55 per radiation machine located in dental offices and clinics and used solely for dental diagnosis, in veterinary offices and used solely for diagnosis, or in offices and clinics of persons licensed under the Podiatric Medical Practice Act of 1987 [225 ILCS 100] and used solely for diagnosis or therapy. The fee for inspection and testing in all other cases shall be \$80 per radiation machine. (Section 25(a) of the Act) Fees for Department inspection and testing will be as prescribed in the Act.

~~AGENCY-NOPB:--The--fee--for--a--Department--inspection--and--testing--will--be--\$55--per--radiation--machine--located--in--dental--offices--and--clinics--and--used--solely--for--dental--diagnosis--in--veterinary--offices--and--used--solely--for--diagnosis--or--in--offices--and--clinics--of--persons--licensed--under--the--Podiatric--Medical--Practice--Act--of--1987--[225--ILCS--100]--and--used--solely--for--diagnosis--or--therapy. The--fee--for--inspection--and--testing--in--all--other--cases--shall--be--\$80--per--radiation--machine. (Section 25(a) of the Act) Fees--for--Department--inspection--and--testing--in--all--other--cases--shall--be--\$80--per--radiation--machine. The--Department--will--bill--the--operator--for--the--appropriate--fee--after--the--machine--has--been--inspected--and--tested. (See--Section--25(a)--of--the--Act.)~~

- A) Inspection--fees--assessed--under--this--Section--shall--be--due--within--60--days--of--billing. (See--Section--25(a)--of--the--Act.)

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- B) ~~After--60--days--the--Department--shall--assess--the--operator--of--the--installation--a--late--payment--penalty--for--each--machine--at--the--installation--for--which--an--inspection--fee--is--still--outstanding--as--prescribed--in--Section--25(a)--of--the--Act.~~
~~AGENCY-NOPB:--The--late--payment--penalty--for--inspection--fees--paid--more--than--60--days--after--billing--is--\$25--per--month--for--each--machine--at--the--installation--for--which--an--inspection--fee--is--still--outstanding. (See--Section--25(a)--of--the--Act.)~~

- E) ~~If--the--fee--for--inspection--and--testing--is--not--paid--within--180--days--of--the--initial--billing--the--Department--may--order--the--operator--of--the--installation--to--cease--use--of--the--machines--for--which--the--fee--is--outstanding--or--take--other--appropriate--enforcement--action--as--provided--in--Section--36--of--the--Act. (See--Section--25(a)--of--the--Act.)~~

- 3) ~~If the operator elects to have a qualified nondepartment qualified inspector inspect and test the radiation equipment, the Department will assess an inspection review fee of \$25 a-filing fee per radiation machine, as prescribed in Section 25(b) of the Act). The inspection review fee shall not apply to inspections of radiation machines used for mammography. The filing fee is payable by the operator to the Department upon submission of the qualified nondepartment inspector's radiation inspection report.~~
~~AGENCY-NOPB:--The--filing--fee--for--radiation--machine--inspection--and--testing--results--is--\$25--(See--Section--25(b)--of--the--Act.)~~

- 4) ~~The Department shall bill the operator for the appropriate fee as soon as practical after the machine has been inspected and tested.~~

- A) ~~Fees assessed under this Section shall be due within 60 days of billing. (Section 25(a) of the Act)~~

- B) ~~If the fee is not paid within 60 days of the initial billing, the Department may order the operator of the installation to cease use of the machines for which the fee is outstanding or take other appropriate enforcement action as provided in Section 36 of the Act. (Section 25(a) of the Act)~~

- b) Operators of radiation installations shall assure that all radiation machines located in that installation are maintained and operated in accordance with standards established by the Department to protect the public health and safety as set forth in 32 Ill. Adm. Code 310, 320, 340, 350, 360, 380, 390, 400 and 401. Operators shall also assure that all persons who use a radiation machine to administer ionizing radiation to human beings are licensed in accordance with the requirements of 32 Ill. Adm. Code 360.10, or are accredited by the Department, or exempt from such requirements in accordance with 32 Ill. Adm. Code 401.30.

- c) Inspection Report Filing Anniversary Date

- 1) Each operator of a radiation installation shall file an

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application for initial inspection and testing to be performed by either a Departmental inspector or a qualified nondepartment qualified inspector no later than 30 days after the initial installation of a radiation machine(s) ~~(See Section 25(c) of the Act)~~. The radiation machine(s) shall be inspected and tested in accordance with Section 410.50(a) of this Part and radiation inspection report(s) filed with the Department within 6 months of the date of initial installation. (Section 25(c) of the Act) The inspection and testing end date will establish the operator's filing anniversary date for filing subsequent radiation machine inspection reports. All future inspection and testing of the operator's radiation machine(s) must be performed and the radiation inspection report filed either on the filing anniversary date or within the 5-month period immediately preceding the operator's filing anniversary date. Submission of inspection reports within the 5-month period immediately preceding the operator's filing anniversary date will not change the filing anniversary date for subsequent inspection reports.

- 2) If any radiation machine(s) is installed, relocated (i.e., stationary equipment that has been moved) or reactivated within 7 months prior to the operator's inspection report filing anniversary date and if the machine(s) is inspected during the 7-month period, the radiation machine(s) does not have to be reinspected within the 5-month period prescribed in subsection (c)(1) of this Section above. The radiation inspection report(s) shall be filed with the Department on or before the operator's inspection report filing anniversary date.

- 3) If any radiation machine(s) totally replaces the operator's radiation machine inventory, the operator's inspection report filing anniversary date will be changed to the end date of the inspection and testing of the radiation machine(s). In accordance with subsection (c)(1) of this Section above, inspection reports shall be filed within 6 months from the date of installation of the replacement machine(s).

- d) An operator shall file an application for subsequent inspections to be performed by either a Departmental or qualified nondepartment qualified inspector in accordance with the following schedule:

- 1) Operators of Class A installations shall file an application for inspection each 5 years.
- 2) Operators of Class B installations shall file an application for inspection each 2 years.
- 3) Operators of Class C installations shall file an application for inspection annually.

- 4) Applications for inspections of existing radiation machines must be filed with the Department within 6 months of the operator's inspection report filing anniversary date.

- e) Operators of radiation installations shall notify the Department within 30 days of the installation of new, used, relocated, or

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reactivated radiation machines. Inspection and testing of the radiation machine(s) shall be performed in accordance with subsection (c) of this Section above and radiation inspection report(s) filed with the Department within 6 months of the date of installation/activation of the system(s). The selection of Departmental or qualified nondepartment qualified inspector which was made pursuant to subsection (d) of this Section above, shall also apply to inspections of equipment required by this subsection (e), unless the Department is notified that a change is requested. This Section applies to the relocation or reactivation of a radiation machine(s) that previously had been stored or rendered mechanically or electrically inoperable by the operator.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 410.80 Change in Operator

Within 30 days of changing the operator of a radiation installation, the new operator must notify the Department and must file an application for inspection by either a Departmental inspector or by a qualified nondepartment qualified inspector. Such filing and inspection must be made regardless of the length of time which has passed since the most recent inspection of the radiation installation through the previous operator.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF NUCLEAR SAFETY

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Registration of Radioactive Materials, Radiation Machines, and Radiation Installations

2) Code Citation: 32 Ill. Adm. Code 320

3) Section Number: Proposed Action:

320.10 Amendment

4) Statutory Authority: Implementing and authorized by Section 2.1 of the Radiation Installation Act [420 ILCS 30/2.1].

5) A Complete Description of the Subjects and Issues Involved: The Department is proposing to amend this Part to implement a legislative mandate. This amendment will clarify the billing procedures and due date for the registration fees to be paid by the operators of radiation installations.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: The requirements imposed by the proposed rulemaking are not expected to require local governments to establish, expand, or modify their activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publication of this notice. The Department will consider fully all written comments on this proposed rulemaking submitted during the 45 day comment period. Comments should be submitted to:

Robert B. Holtsclaw
Staff Attorney
Department of Nuclear Safety
1035 Outer Park Drive
Springfield, IL 62704
(217) 524-1003 (voice)
(217) 782-6133 (TDD)

12) Initial Regulatory Flexibility Analysis:

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A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will not have an economic impact on small municipalities, not for profit corporations or small businesses, such as small medical practices or industrial x-ray businesses, that possess radiation machines. This amendment does not increase the registration fee, only clarifies billing procedures.

B) Reporting, bookkeeping or other procedures required for compliance: These amendments do not require any additional reporting, bookkeeping or other procedures to be in compliance with this rulemaking.

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF NUCLEAR SAFETY
NOTICE OF PROPOSED AMENDMENT

TITLE 32: ENERGY
CHAPTER II: DEPARTMENT OF NUCLEAR SAFETY
SUBCHAPTER b: RADIATION PROTECTION

PART 320
REGISTRATION OF RADIOACTIVE MATERIAL, RADIATION MACHINES,
AND RADIATION INSTALLATIONS

- Section 320.10 Registration
- 320.15 Incorporations by Reference
- 320.20 Amendments
- 320.30 Discontinued Use
- 320.40 Exemptions
- 320.50 Noncompliance

AUTHORITY: Implementing and authorized by the Radiation Installation Act [420 ILCS 30].

SOURCE: Filed April 20, 1974 by the Department of Public Health; transferred to the Department of Nuclear Safety by P.A. 81-1516, effective December 3, 1980; codified at 7 Ill. Reg. 11278; amended at 10 Ill. Reg. 17529, effective September 25, 1986; amended at 14 Ill. Reg. 13644, effective August 13, 1990; amended at 18 Ill. Reg. 3363, effective February 22, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 320.10 Registration

- a) Installation Registration
 - 1) Any operator of a facility where radiation machines are used or where radioactive material is produced, transported, stored, used or disposed of for any purpose, which is not subject to regulation by the U.S. Nuclear Regulatory Commission (NRC), shall register such radiation installation with the Department of Nuclear Safety (Department). The operator shall register the installation before the installation is placed in operation on a form prescribed by the Department which shall include:
 - A) The operator's name;
 - B) The location and confines of the radiation installation; and
 - C) The type, strength and number of sources of radiation expected to be produced, used, operated, stored or disposed.
 - 2) When the number of sources exceeds 50, the Director will, upon request of the operator, permit blanket registration of the installation. This blanket registration shall be on a form prescribed by the Department and shall include:
 - A) The operator's name;
 - B) The location and confines of the radiation installation;
 - C) A description of each type and range of strengths of each

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- type of source of radiation;
- D) The number of each type of source;
- E) The radionuclide in each type of source; and
- F) The specific information requested on form IL 473-0013 regarding registration of x-ray machines.

b) Machine Registration

- 1) Every operator of a radiation installation where radiation machines are located shall register such machines with the Department.
- 2) Installation operators shall register radiation machines annually on a form prescribed by the Department. ~~the registration--form shall be--filled--before--February--1--of--each--year.~~ An annual registration fee of \$10.00 per radiation machine for each machine possessed on January 1 of each year shall be submitted with the registration form. The Department shall bill the operator for the registration fee as soon as practical after January 1. Registration fees shall be due and payable within 60 days after the date of billing. If after 60 days the registration fee is not paid the Department may issue an order directing the operator of the installation to cease use of the radiation machines for which the fee is outstanding or take other appropriate enforcement action as provided in Section 36 of the Radiation Protection Act of 1990 [420 ILCS 40/36]. [420 ILCS 30/2.1]

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Real Estate License Act of 1983

2) Code Citation: 68 Ill. Adm. Code 1450

3) Section Number: Proposed Action:

1450.95 New Section

4) Statutory Authority: Implementing the Real Estate License Act of 1983 [225 ILCS 455] and authorized by Section 9 of the Real Estate License Act of 1983 [225 ILCS 455/9]

5) A complete description of the subjects and issues involved: The proposed rulemaking sets forth examples of administrative, clerical, or personal activities which unlicensed assistants of licensees under the Act may or may not perform. The lists are illustrative and declarative of existing law and are not intended to increase or decrease the scope of activities for which a license is required under the Act.

There have been questions from the industry concerning unlicensed assistants and what activities they may or may not appropriately perform without a license under the Act. The major industry trade association has requested that the Commissioner's Office clarify what unlicensed assistants can and cannot do, and the Real Estate Administration and Disciplinary Board, pursuant to Section 9 of the Act, has recommended that the Commissioner's Office issue the proposed rulemaking. Based on the Board's recommendation, the Commissioner's Office is filing the proposed rulemaking.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending to this Part? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

John Arthur, Legislative Liaison
Office of the Commissioner of Savings and
Residential Finance

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENT

500 East Monroe, Suite 800
Springfield, Illinois 62701-1509
Telephone: (217) 782-6181

The Agency will consider all written comments it receives in writing within 45 days of the date of publication of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses affected: Licensees under the Real Estate License Act of 1983 which employ unlicensed assistants.

B) Reporting, bookkeeping or other procedures required for compliance: None.

C) Types of professional skills necessary for compliance: None.

13) Regulatory Agenda on which this rulemaking was summarized: January, 1996.

The full text of the Proposed Amendments begins on the next page.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE
NOTICE OF PROPOSED AMENDMENT

- 1450.215 Home Study/Correspondence Programs
1450.220 Definition of Class Hour and Credit Hour (Repealed)
1450.230 Educational Requirement of Broker Applicant Who is a Licensed Illinois Real Estate Salesperson (Renumbered)
1450.240 Class Attendance Requirements
1450.250 Requirements for Minor in Real Estate (Renumbered)
1450.260 Qualification of Applicants Under 21 Years of Age (Repealed)
1450.270 Educational Requirements for Reinstatement of License (Repealed)
1450.275 Recruitment at Test Center
1450.280 Approval of Schools
1450.290 Withdrawal of Approval

APPENDIX A Penalties for Criminal Acts (Repealed)
AUTHORITY: Subpart A implementing Sections 9 and 15 of the Real Estate License Act of 1983 [225 ILCS 455/9 and 15] (see P.A. 89-23, effective July 1, 1995), and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)]; Subpart B implementing Sections 4(17) and 11 of the Real Estate License Act of 1983 [225 ILCS 445/4(17) and 11] (see P.A. 89-23) and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (General Rules), effective December 4, 1974; Rules and Regulations for the Administration of the Real Estate Brokers and Salesmen License Act (School Rules), effective July 29, 1974; amended at 3 Ill. Reg. 885, effective February 2, 1979; amended at 4 Ill. Reg. 195, effective August 12, 1980; amended at 5 Ill. Reg. 5343, effective May 6, 1981; amended at 5 Ill. Reg. 8541, effective August 10, 1981; codified at 5 Ill. Reg. 11064; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; emergency amendment at 6 Ill. Reg. 2406, effective February 3, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8221, effective July 1, 1982; amended at 9 Ill. Reg. 341, effective January 3, 1985; transferred from Chapter I, 68 Ill. Adm. Code 450 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1450 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2977; amended at 12 Ill. Reg. 8036, effective April 26, 1988; amended at 15 Ill. Reg. 10416, effective July 1, 1991; amended at 16 Ill. Reg. 3204, effective February 14, 1992; emergency amendment at 19 Ill. Reg. 12003, effective August 8, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16623, effective December 1, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL RULES

Section 1450.95 Unlicensed Assistants

- a) Licensees under the Act may employ, or otherwise utilize the services

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE
NOTICE OF PROPOSED AMENDMENT

- TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS
PART 1450
REAL ESTATE LICENSE ACT OF 1983
SUBPART A: GENERAL RULES

- Section
1450.10 Definitions
1450.11 Educational Requirement of Broker Applicant Licensed as an Illinois Real Estate Salesperson (Renumbered)
1450.12 Educational Requirements for a Baccalaureate Degree with a Minor in Coursework in Real Estate (Renumbered)
1450.15 Salesperson and Broker Examinations
1450.17 Applications for Salespersons and Brokers Licenses by Examination
1450.18 Sponsor Card
1450.19 Inoperative Salespersons and Brokers Licenses
1450.20 Managing Broker Responsibilities
1450.25 Branch Offices
1450.30 Corporations and Partnerships
1450.40 Special Accounts (Escrow Accounts)
1450.45 Fees
1450.50 Disclosure
1450.55 Agency Disclosure Pursuant to Section 18.2 of the Act
1450.60 Employment Contracts
1450.70 Listing Agreements
1450.80 Written Agreements
1450.90 Advertising
1450.95 Unlicensed Assistants
1450.100 Discrimination
1450.110 Unworthiness or Incompetence to Act as a Broker or Salesperson
1450.120 Hearings
1450.140 Assumed Name
1450.150 Reciprocal Licensure
1450.170 Rental Finding Services
1450.175 Continuing Education
1450.180 Renewals
1450.185 Granting Variances
1450.190 Procedure to Contest An Automatic Termination
1450.195 Penalties for Criminal Acts
1450.200 Real Estate Recovery Fund

SUBPART B: SCHOOL RULES

Section
1450.210 Approval of Schools (Repealed)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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of, unlicensed assistants to assist them with administrative, clerical, or personal activities for which a license under the Act is not required.

- b) An unlicensed assistant, on behalf of and under the direction of a licensee, may engage in the following administrative, clerical, or personal activities without being in violation of the licensing requirements of the Act. The following list is intended to be illustrative and declarative of existing law and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may:

- 1) answer the telephone, take messages, and forward calls to a licensee;
- 2) submit listings and changes to a multiple listing service;
- 3) follow up on a transaction after a contract has been signed;
- 4) assemble documents for a closing;
- 5) secure public information from a courthouse, sewer district, water district, or other repository of public information;
- 6) have keys made for a company listing;
- 7) draft advertising copy and promotional materials for approval by a licensee;

- 8) place advertising;

- 9) record and deposit earnest money, security deposits, and rents;
- 10) complete contract forms with business and factual information at the direction of and with approval by a licensee;

- 11) monitor licenses and personnel files;

- 12) compute commission checks and perform bookkeeping activities;

- 13) place signs on property;

- 14) order items of routine repair as directed by a licensee;

- 15) prepare and distribute flyers and promotional information under the direction of and with approval by a licensee;

- 16) act as a courier to deliver documents, pick up keys, etc.;

- 17) place routine telephone calls on late rent payments;

- 18) schedule appointments for the licensee;

- 19) respond to questions by quoting directly from published information;

- 20) gather feedback on showings; and

- 21) perform other administrative, clerical, and personal activities for which a license under the Act is not required.

- c) An unlicensed assistant of a licensee may not perform the following activities for which a license under the Act is required. The following list is intended to be illustrative and declarative of existing law and is not intended to increase or decrease the scope of activities for which a license is required under the Act. An unlicensed assistant of a licensee may not:

- 1) host open houses, kiosks, or home show booths or fairs;

- 2) show property;

- 3) interpret information on listings, titles, financing, contracts, closings, or other information relating to a transaction;

- 4) explain or interpret a contract, listing, lease agreement, or other real estate document with anyone outside the licensee's firm;

- 5) negotiate or agree to any commission, commission split, management fee, or referral fee on behalf of a licensee; or

- 6) perform any other activity for which a license under the Act is required.

- d) Any licensee who employs an unlicensed assistant shall be responsible for the actions of the unlicensed assistant taken while under the supervision of or at the direction of the licensee.

- e) Any licensee who is responsible for the actions of an unlicensed assistant by statute, regulation, contract, or office policy and who permits, aids, assists, or allows an unlicensed assistant to perform any activity for which a license under the Act is required shall be in violation of the Act.

- (Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to Families with Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.30 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13] and 45 CFR Ch. 11, 233.39(b)(ii).

5) Complete Description of the Subjects and Issues Involved: Previously, children in an AFDC case could be absent from the home for a period not expected to exceed three months and remain eligible for AFDC. However, residential programs typically exceed the three-month absence limit. Now, those students who are 18 years old and enrolled in a residential program, rather than a high school, will be eligible to remain on AFDC.

These proposed amendments establish that children in an AFDC case are to be included in the case when they are attending a residential program that provides a regular curriculum of instruction equivalent to that which leads to a high school diploma. These residential programs usually include various life skills and vocational training. As a result of this rulemaking, for children attending one of these residential programs, the three-month absence limit will not apply. The child will remain in the AFDC case and receive cash and/or medical assistance. If the child is age 18, the child must be expected to complete the residential program before attaining age 19 to remain eligible for assistance.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
112.65	New Section	September 15, 1995 (19 Ill. Reg. 12927)
112.70	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.71	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.72	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.74	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.76	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.77	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.78	Amendment	October 13, 1995 (19 Ill. Reg. 14292)

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112.79	Amendment	October 13, 1995 (19 Ill. Reg. 14292)
112.251	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.252	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.253	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.254	Amendment	July 21, 1995 (19 Ill. Reg. 10363)
112.303	Amendment	October 6, 1995 (19 Ill. Reg. 13759)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112

AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section

112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section

112.8 Caretaker Relative
112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent
112.67 Restriction in Payment to Households Headed by a Minor Parent

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Section

112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Adolescent Parent Program
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
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112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility for JOBS
112.82 JOBS Supportive Services
112.83 Young Parents Program
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SUBPART E: PROJECT ADVANCE

Section

112.86 Project Advance
112.87 Project Advance Experimental and Control Groups
112.88 Project Advance Participation Requirements of Experimental Group Members and Adjudicated Fathers
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112.91 Good Cause for Failure to Comply with Project Advance
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112.95 Project Advance Supportive Services

SUBPART F: EXCHANGE PROGRAM

Section

112.98 Exchange Program

SUBPART G: FINANCIAL FACTORS OF ELIGIBILITY

Section

112.100 Unearned Income
112.101 Unearned Income of Stepparent or Parent
112.105 Budgeting Unearned Income
112.106 Budgeting Unearned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.107 Initial Receipt of Unearned Income
112.108 Termination of Unearned Income
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112.115 Education Benefits
112.120 Incentive Allowances
112.125 Unearned Income In-Kind
112.126 Earmarked Income
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112.128 Protected Income
112.130 Earned Income
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112.132 Budgeting Earned Income
112.133 Budgeting Earned Income of Applicants Employed On Date of Application And/Or Date Of Decision
112.134 Initial Employment
112.135 Budgeting Earned Income For Contractual Employees
112.136 Budgeting Earned Income For Non-Contractual School Employees
112.137 Termination of Employment
112.138 Transitional Payments (Repealed)
112.140 Exempt Earned Income
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112.143 Recognized Employment Expenses
112.144 Income From Work/Study/Training Program
112.145 Earned Income From Self-Employment
112.146 Earned Income From Roomer and Boarder
112.147 Income From Rental Property
112.148 Payments from the Illinois Department of Children and Family Services
112.149 Earned Income In-Kind
112.150 Assets
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112.152 Asset Disregards
112.153 Deferral of Consideration of Assets
112.154 Property Transfers (Repealed)
112.155 AFDC Income Limit

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112.250 Grant Levels
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112.252 Payment Levels in AFDC Group I Counties
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112.254 Payment Levels in AFDC Group III Counties

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112.300 Persons Who May Be Included in the Assistance Unit
112.301 Presumptive Eligibility
112.302 Monthly Reporting
112.303 Retrospective Budgeting
112.304 Budgeting Schedule
112.305 Strikers
112.306 Foster Care Program
112.307 Responsibility of Sponsors of Aliens
112.308 Special Needs Authorizations
112.309 Institutional Status
112.315 Young Parent Program (Renumbered)
112.320 Redetermination of Eligibility
112.330 Extension of Medical Assistance Due to Increased Income from Employment
112.331 Four Month Extension of Medical Assistance Due to Child Support Collections
112.332 Extension of Medical Assistance Due to Loss of Earned Income Disregard (Repealed)
112.340 New Start Payments to Individuals Released from Department of Corrections Facilities

SUBPART J: CHILD CARE

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Section
112.350 Child Care
112.352 Child Care Eligibility
112.354 Qualified Provider
112.356 Notification of Available Services
112.358 Participant Rights and Responsibilities
112.362 Additional Service to Secure or Maintain Child Care Arrangements
112.364 Rates of Payment for Child Care
112.366 Method of Providing Child Care
112.370 Non-JOBS Education and Training Program

SUBPART K: TRANSITIONAL CHILD CARE

Section
112.400 Transitional Child Care Eligibility
112.404 Duration of Eligibility for Transitional Child Care
112.406 Loss of Eligibility for Transitional Child Care
112.408 Qualified Child Care Providers
112.410 Notification of Available Services
112.412 Participant Rights and Responsibilities
112.414 Child Care Overpayments and Recoveries
112.416 Fees for Service for Transitional Child Care
112.418 Rates of Payment for Transitional Child Care

AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Art. IV and 12-13].

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979; peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13, 1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2,

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1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10095, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982; amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27, 1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023,

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effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 15101, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for

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a maximum of 150 days; emergency expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 12011, effective August 7, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 12664, effective September 1, 1995; emergency amendment at 19 Ill. Reg. 15244, effective November 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15661, effective November 3, 1995; emergency amendment at 19 Ill. Reg. 15839, effective November 15, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 16295, effective December 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 845, effective January 1, 1996; amended at 20 Ill. Reg. _____, effective _____.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

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Section 112.30 Age

- a) There is no minimum or maximum age requirement to be designated as or to receive assistance as a caretaker relative. If an individual receives financial assistance as a caretaker relative that individual shall not be considered as a child in the determination of the level of assistance.
- b) To be included in the assistance grant as a dependent child, the child must be under age 18 or age 18 and a full-time high school senior (or equivalent level) and will finish high school before reaching age 19.
 - 1) Dependent children who are 16 or 17 years of age and not in full-time school attendance must meet mandatory Work Demonstration Program/Illinois State Employment Services (WDP/ISES) registration requirements.
 - 2) During summer vacation a dependent child who intends to return to school or one who experiences a temporary illness (not to exceed 90 days) which precludes school attendance is to be considered a full-time student.
 - 3) Full-time attendance must be in a school, college or university, approved by the Illinois Office of Education, defined as follows:
 - A) High School -- 25 clock hours per week or in a special secondary education program of training which is designed to fit him or her for gainful employment and is defined by the school as full-time attendance.
 - B) Vocational or technical school -- 30 clock hours per week when program involves shop practice, 25 clock hours per week when program does not involve shop practice.
 - C) College or university -- 12 semester or quarter hours.
 - D) Residential program -- a regular curriculum of instruction that is equivalent to that which leads to obtaining a high school diploma. The program may include various life skills and vocational training. If the child is age 18, the child must be expected to complete the program before attaining age 19.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Proposed Action:
 140.24 Amendment
 140.400 Amendment
 140.435 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]
- 5) Complete Description of the Subjects and Issues Involved:
Section 140.24
 The Department is making changes to Section 140.24 regarding payment procedures for long term care facilities. Currently, a facility and its corporate or partnership owner may request that payments be sent directly to the business address of the corporate or partnership owner, only if such owner has a minimum of four facilities which are located within Illinois and enrolled with the Department. The requirement concerning ownership of a minimum of four facilities does not have any statutory basis, but has resulted in the denial of some requests for the redirection of a facility's payments. Therefore, this requirement is being eliminated in these proposed amendments.

These proposed amendments will not result in any budgetary changes.

Sections 140.400 and 140.435

These proposed amendments revise language in Section 140.400 to reflect the change from the Healthy Moms/Healthy Kids Program to the Maternal and Child Health Program. Proposed amendments to Section 140.435 provide for coverage for all nurse midwife services which are legally authorized under the Illinois Nursing Act of 1987 and its implementing regulations. Currently, the Department provides reimbursement for nurse midwife services only for the management and care of women through the maternity cycle and the care of newborn infants up to six weeks following delivery.

These proposed amendments are not expected to result in any budgetary changes for the Department.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? Yes
- | Section Number | Proposed Action | Illinois Register Citation |
|----------------|-----------------|--|
| 140.2 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.7 | Amendment | August 25, 1995 (19 Ill. Reg. 12210) |
| 140.9 | Amendment | August 25, 1995 (19 Ill. Reg. 12210) |
| 140.40 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.55 | Amendment | January 26, 1996 (20 Ill. Reg. 1466) |
| 140.413 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.460 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.461 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.462 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.463 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.464 | Repeal | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.475 | Amendment | November 17, 1995 (19 Ill. Reg. 15581) |
| 140.478 | Amendment | November 17, 1995 (19 Ill. Reg. 15581) |
| 140.481 | Amendment | November 17, 1995 (19 Ill. Reg. 15581) |
| 140.485 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.490 | Amendment | December 8, 1995 (19 Ill. Reg. 16134) |
| 140.491 | Amendment | December 8, 1995 (19 Ill. Reg. 16134) |
| 140.492 | Amendment | December 8, 1995 (19 Ill. Reg. 16134) |
| 140.493 | New Section | December 8, 1995 (19 Ill. Reg. 16134) |
| 140.523 | Amendment | January 19, 1996 (20 Ill. Reg. 1146) |
| 140.570 | Amendment | December 22, 1995 (19 Ill. Reg. 16778) |
| 140.642 | Amendment | November 27, 1995 (19 Ill. Reg. 15788) |
| 140.920 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.922 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.924 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.926 | Repeal | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.928 | Repeal | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.930 | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.932 | Repeal | October 20, 1995 (19 Ill. Reg. 14977) |
| 140.TABLE M | Amendment | October 20, 1995 (19 Ill. Reg. 14977) |

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Joanne Jones
 Bureau of Rules and Regulations
 Illinois Department of Public Aid

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100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not-for-profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not for profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not-for-profit corporations affected:

Section 140.24

Long term care facilities

Sections 140.400 and 140.435

Providers of nurse midwife services

B) Reporting, bookkeeping or other procedures required for compliance:

None

C) Types of professional skills necessary for compliance: None

13) Regulatory agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER 1: DEPARTMENT OF PUBLIC AID

SUBCHAPTER d: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section

- 140.1 Incorporation By Reference
140.2 Medical Assistance Programs
140.3 Covered Services Under Medical Assistance Programs
140.4 Covered Medical Services Under AFDC-WANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5 Covered Medical Services Under General Assistance
140.6 Medical Services Not Covered
140.7 Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8 Medical Assistance For Qualified Severely Impaired Individuals
140.9 Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-WANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10 Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section

- 140.11 Enrollment Conditions for Medical Providers
140.12 Participation Requirements for Medical Providers
140.13 Definitions
140.14 Denial of Application to Participate in the Medical Assistance Program
140.15 Recovery of Money
140.16 Termination or Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17 Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.18 Effect of Termination on Individuals Associated with Vendor
140.19 Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring
140.20 Submittal of Claims
140.21 Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.22 Magnetic Tape Billings
140.23 Payment of Claims
140.24 Payment Procedures
140.25 Overpayment or Underpayment of Claims
140.26 Payment to Factors Prohibited

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140.27 Assignment of Vendor Payments
 140.28 Record Requirements for Medical Providers
 140.30 Audits
 140.31 Emergency Services Audits
 140.32 Prohibition on Participation, and Special Permission for Participation
 140.33 Publication of List of Terminated, Suspended or Barred Entities
 140.35 False Reporting and Other Fraudulent Activities
 140.40 Prior Approval for Medical Services or Items
 140.41 Prior Approval in Cases of Emergency
 140.42 Limitation on Prior Approval
 140.43 Post Approval for items or Services When Prior Approval Cannot Be Obtained
 140.71 Reimbursement for Medical Services Through the Use of a C-13 Invoice
 140.72 Voucher Advance Payment and Expedited Payments
 140.73 Drug Manual Updates (Recodified)

SUBPART C: PROVIDER ASSESSMENTS

Section
 140.80 Hospital Provider Fund
 140.82 Developmentally Disabled Care Provider Fund
 140.84 Long Term Care Provider Fund
 140.94 Medicaid Developmentally Disabled Provider Participation Fee Trust Fund/Medicaid Long Term Care Provider Participation Fee Trust Fund
 140.95 Hospital Services Trust Fund
 140.96 General Requirements (Recodified)
 140.97 Special Requirements (Recodified)
 140.98 Covered Hospital Services (Recodified)
 140.99 Hospital Services Not Covered (Recodified)
 140.100 Limitation On Hospital Services (Recodified)
 140.101 Transplants (Recodified)
 140.102 Heart Transplants (Recodified)
 140.103 Liver Transplants (Recodified)
 140.104 Bone Marrow Transplants (Recodified)
 140.110 Disproportionate Share Hospital Adjustments (Recodified)
 140.116 Payment for Inpatient Services for CA (Recodified)
 140.117 Hospital Outpatient and Clinic Services (Recodified)
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 140.370 Rate Calculation (Recodified)
 140.371 Payment (Recodified)
 140.372 Review Procedure (Recodified)
 140.373 Utilization (Repealed)
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 140.376 Utilization, Case-Mix and Discretionary Funds (Repealed)
 140.390 Subacute Alcoholism and Substance Abuse Services (Recodified)
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 140.394 Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
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 140.528 Payment of Quality Incentive (Repealed)
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 140.944 Notification of Negotiations (Recodified)
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 140.948 Negotiation Procedures (Recodified)
 140.950 Factors Considered in Awarding ICARE Contracts (Recodified)
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 140.958 Admitting and Clinical Privileges (Recodified)
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 140.962 Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
 140.964 Contract Monitoring (Recodified)
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TABLE A Medichex Recommended Screening Procedures (Repealed)

TABLE B Health Service Areas

TABLE C Capital Cost Areas

TABLE D Schedule of Dental Procedures

TABLE E Time Limits for Processing of Prior Approval Requests

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TABLE G Travel Distance Standards

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TABLE I Staff Time and Allocation for Training Programs (Recodified)

TABLE J HSA Grouping (Repealed)

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TABLE K Services Qualifying for 10% Add-On (Repealed)
 TABLE L Services Qualifying for 10% Add-On to Surgical Incentive Add-On (Repealed)
 TABLE M Enhanced Rates for Healthy Moms/Healthy Kids Provider Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 15, 1983; amended at 7 Ill. Reg. 8540, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill.

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Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.912 and 140.912 Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.205 and 147.205 Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 10717, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 11868, effective July 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29,

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1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. Reg. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.998 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10377, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 16992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January

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1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6334, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency

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amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 14440, effective September 29, 1995; emergency amendment at 19 Ill. Reg. 14833, effective October 6, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 15441, effective October 26, 1995; amended at 19 Ill. Reg. 15692, effective November 6, 1995; amended at 19 Ill. Reg. 16677, effective November 28, 1995; amended at 20 Ill. Reg. 1210, effective December 29, 1995; amended at 20 Ill. Reg. _____, effective _____.

SUBPART B: MEDICAL PROVIDER PARTICIPATION

Section 140.24 Payment Procedures

- a) Payment of valid claims will be made by a State warrant (check) issued through the Office of the State Comptroller. Payments for services rendered by medical providers will only be mailed to:
 - 1) The provider's service address; or
 - 2) The provider's (individual practitioner/sole proprietorship) residence; or
 - 3) The provider's designated alternate address; or
 - 4) The address of the provider's designated alternate payee pursuant to subsection (c); or
 - 5) The address of the entity specified according to an arrangement under Section 140.27(c) or (d).
- b) A long term care facility and its corporate or partnership owner may request the facility's warrant be sent directly to the business office address of the corporate or partnership owner. ~~The Department's approval of this type of request will be given only if the owner has a minimum of four facilities which are located within Illinois and which are enrolled with the Department.~~ After approval is given the warrant will be issued in the name of the facility or corporate name doing business under the facility name, but sent to the business office address of the corporate or partnership owner rather than the facility.
- c) The Department shall permit individual practitioners to designate an

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alternate payee if one of the following conditions is met:

- 1) The medical practitioner has a contractual/salary arrangement, as a condition of employment with a hospital or professional school.
- 2) The medical practitioner is part of a practitioner owned group practice consisting of three or more full-time licensed practitioners or the equivalent thereof.
- 3) The medical practitioner is employed by a practitioner who requires, as a condition of employment, that the fees be turned over to the employer.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400 Payment to Practitioners, Nurses and Laboratories

a) This Section applies to physicians, dentists, nurses, optometrists, podiatrists, chiropractors and independent laboratories.

- 1) Practitioners, nurses and independent laboratories are required to bill the Medical Assistance program at the same rate they charge patients paying their own bills and patients covered by other third party payors.

2) A practitioner or nurse may bill only for services he or she personally provides or which are provided under his or her direct supervision in his or her office by his or her staff, so long as such practice is not in conflict with the Illinois Nursing Act of 1987 [225 ILCS 65] and implementing regulations. A certified pediatric nurse practitioner or certified family nurse practitioner may bill only for the services personally provided by the individual nurse practitioner. A practitioner may not bill for services provided by another practitioner even though he or she may be in the employ of the other.

3) Payment will be made only in the practitioner's or nurse's name or a Department approved alternate payee.

4) Payments will be made according to a schedule of statewide pricing screens established by the Department of Public Aid. (Exception: A certified pediatric nurse practitioner, certified family nurse practitioner and a nurse midwife will be reimbursed for covered services at 70 percent of the established screen, and covered services provided by qualifying providers under the Maternal and Child Health ~~Healthy--Moms/Healthy--Kids~~ Program, which will be reimbursed at enhanced rates (see subsection (b) below).) The pricing screens are to be established based on consideration of the market value of the service. In considering the market value, the Department will examine the costs of operations and material. Input from advisory groups designated by statute, generally recognized provider interest groups and the

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general public will be taken into consideration in determining the allocation of available funds to rate adjustments. Increases in rates are contingent upon funds appropriated by the General Assembly. Reductions or increases may be affected by changes in the market place or changes in funding available for the Medical Assistance Program. Screens will be related to the average statewide charge. The upper limit for services shall not exceed the lowest Medicare charge levels.

- b) Providers who meet the qualifications for and enter into a Primary Care Provider Agreement for participation in the ~~Maternal and Child Health Healthy--Moms/Healthy--Kids~~ Program, as described in Subpart G, will receive enhanced reimbursement in accordance with Section 140.930(a)(1).

c) The Department will distribute (initially and upon revision of the amounts) to practitioners, nurses and laboratories the maximum allowable amounts for the most commonly billed procedures codes. Interested individuals may request a copy of the maximum allowable amounts from the Department by directing the request to the Bureau of Comprehensive Health Services, Prescott E. Bloom Building, 201 South Grand Avenue East, Springfield, Illinois 62763-0001. In addition, a participating individual practitioner may request the maximum allowable amounts for less commonly billed specific procedures that relate to the individual's practice. This request must be in writing and identify specific procedure codes and associated descriptions.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 140.435 Nurse Services

a) Payment for nurse services shall be made only to licensed nurses.

- 1) Payment for nurse midwife services shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or regulation to practice as a nurse-midwife so long as such practice is not in conflict with the Illinois Nursing Act of 1987 [225 ILCS 65] and its implementing regulations and has completed a program of study and clinical experience for nurse-midwives accredited/approved by the American College of Nurse-Midwives. A nurse-midwife must have and maintain a current agreement with a physician licensed to practice medicine in all its branches who has hospital delivery privileges. A copy of this signed agreement must be on file with the Department.

2) Payment for certified pediatric nurse practitioners and certified family nurse practitioners shall be made only to a registered professional nurse (R.N.) who holds a valid Illinois license and is legally authorized under State law or rule to practice as a nurse practitioner so long as such practice is not in conflict

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with the Illinois Nursing Act of 1987 [225 ILCS 65], Medical Practice Act of 1987 [225 ILCS 60] and the implementing regulations. The nurse practitioner shall also have completed a program of study and clinical experience for certified pediatric nurse practitioner or certified family nurse practitioner which is accredited and approved by the appropriate Accreditation Board, Certified pediatric nurse practitioners must be certified by the American Nurses Association or by the National Board of Pediatric Nurse Practitioners and Associates. A certified family nurse practitioner must be certified by the American Nurses Association. A certified pediatric or family nurse practitioner must have and maintain a current agreement with the physician licensed to practice medicine in all its branches who has hospital admitting privileges including delivery privileges where applicable.

- 3) The agreement required under Section 140.435(a)(1) and (2) shall be in the following form. This agreement must explain the oversight of the nurse by a physician authorized to practice medicine in all its branches and authorize the specific procedures or categories of procedures which may be performed. The services to be provided must be services which the physician generally provides his or her patients in the normal course of their medical practice. The agreement must specify which authorized procedures do not require a physician's presence as the procedures are being performed. The nurses shall identify themselves as a nurse practitioner to the patient. The issuance of a prescription or a medical diagnosis does not constitute an authorized procedure for reimbursement. The agreement must specify the parameters and detail all authorized procedures that may be carried out. A copy of this signed agreement must be on file with the Department and must be updated annually.

- b) Payment shall be made for nurse services specified below.

- 1) In-Home Nursing Services

- 2) Private duty nursing services

- c) Payment shall be made for nurse-midwife services--for--the--management and--care--of--women--through--the--maternity--cycle--including--the--six--weeks postpartum--checkup--and--the--management--and--care--of--newborn--babies--up--to six--weeks--following--delivery--so--long--as--such--practice--is--not--in conflict--with--the--Illinois--Nursing--Act--of--1987--[225--ILCS--65]--and--its implementing--regulations--

- d) Payment shall be made for nurse midwife, certified pediatric and family nurse practitioner services in compliance with the physician agreement required under this Section so long as such services do not conflict with the Illinois Nursing Act of 1987 [225 ILCS 65] or the Medical Practice Act of 1987 [225 ILCS 60] and their implementing regulations.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Charitable Funds
- 2) Code Citation: 11 Ill. Adm. Code 208
- 3) Section Numbers: Proposed Action:
208.10 Amendment
208.20 Amendment
208.40 Amendment
- 4) Statutory Authority: 230 ILCS 5
- 5) A complete description of the subjects and issues involved: This rulemaking corrects typographical errors and/or clarifies language.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-2600

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 22, 1996

B) Types of small business affected: None

C) Reporting, bookkeeping or other procedures required for compliance: None

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- D) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996
- The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
 SUBTITLE B: HORSE RACING
 CHAPTER I: ILLINOIS RACING BOARD
 SUBCHAPTER a: GENERAL RULES

PART 208
 CHARITABLE FUNDS

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section
 208.10 Application
 208.20 General Program Requirements
 208.30 Funding Priorities
 208.40 Award of Charitable Funds

SUBPART B: FISCAL AND MONITORING REQUIREMENTS

Section
 208.100 Use Of Funds
 208.110 Accounting Requirements
 208.120 Audits

AUTHORITY: Implementing and authorized by Sections 9(b) and 31.1 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/9(b) and 31.1].

SOURCE: Adopted at 13 Ill. Reg. 1232, effective January 13, 1989; amended at 18 Ill. Reg. 7410, effective April 29, 1994; amended at 20 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL ADMINISTRATIVE PROVISIONS

Section 208.10 Application

Pursuant to Section 31.1 of the Illinois Horse Racing Act of 1975 [230 ILCS 5/31.1], the Illinois Racing Board (Board) shall annually distribute funds collected from organization licensees pursuant to the Act.

a) Applicants for such funds shall submit a completed application, on a form provided by the Board, no later than October 1 of each year. Incomplete applications shall be returned to the applicant, with a written explanation as to why how the materials are incomplete and a date by which the additional materials are to be submitted. Incomplete applications shall not be considered.

b) Any non-profit organization that provides medical and family counseling and similar services to persons who reside or work on the backstretch of Illinois racetracks may apply for funds pursuant to Section 31.1 of the Act [230 ILCS 5/31.1]. Each applicant must be able to document its not-for-profit status with a 501(c)(3) (26 U.S.C.

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501(c)(3)) Internal Revenue Service ruling or a letter from the Illinois Attorney General's Charitable Trust Division containing the applicant's current registration number and confirming that the applicant is current in the filing of its financial reports.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 208.20 General Program Requirements

- a) Recipients of funding shall not deny charitable services ~~of on-the basis-of-race-sex-age-religion-national--origin-or-handicap~~ Recipients ~~of-funding-shall-not~~ discriminate in the hiring or promotion of staff on the basis of race, sex, age, religion, national origin or handicap.
- b) Client intake policies and procedures shall be set forth in writing and shall be available for review by the Board.
- c) Personnel policies and volunteer training procedures shall be set forth in writing and be available for review by the Board.
- d) Recipients of funding shall have rules to govern conflict of interest situations and shall incorporate such rules in their constitution or by-laws and publish such rules as agency policy. Such rules shall be available to the Board for review.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 208.40 Award of Charitable Funds

No later than December 31 of each year, the Board shall inform all applicants of the decision made relative to their applications application and shall distribute all those funds awarded. All awards are subject to the availability of funds as specified in Section 31.1(a) of the Act.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Procedures for License Hearing
- 2) Code Citation: 11 Ill. Adm. Code 205
- 3) Section Numbers:
- Proposed Action:
- Amendment
- Amendment
- 205.30
- 205.70
- 4) Statutory Authority: 230 ILCS 5
- 5) A complete description of the subjects and issues involved: This rulemaking corrects dates for filing applications for racing dates applications and removes language inconsistent with the Horse Racing Act.
- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporation by reference? No
- 9) Are there any other proposed amendments pending in this Part? No
- 10) Statement of Statewide Policy Objectives: No local governmental units will be required to increase expenditures.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments should be submitted, within 45 days after this notice, to:

Gina DiCaro
Illinois Racing Board
Legal Department
100 West Randolph, Ste. 11-100
Chicago, IL 60601
(312) 814-2600

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: January 22, 1996
- B) Types of small business affected: None
- C) Reporting, bookkeeping or other procedures required for compliance: None

- D) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: This rulemaking was inadvertently overlooked when preparing the Board's January 1996 regulatory agenda.
- The full text of the proposed amendment begins on the next page:

ILLINOIS RACING BOARD

NOTICE OF PROPOSED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER a: GENERAL RULES

PART 205

PROCEDURES FOR LICENSE HEARINGS

Section	Purpose
205.10	Purpose
205.20	Notice
205.30	Filing of Applications
205.40	Use of Applications
205.50	Filing of Evidence Supporting Applications
205.60	Parties
205.70	Service of Application and Evidence Supporting Application
205.80	Pre-Hearing Conference
205.90	Filing of Responsive Evidence & Motions
205.100	Licensing Hearing
205.110	Disqualification of Hearing Officer
205.120	Ex Parte Communications
205.130	Incorporation of Part 204
205.140	Notice to and Acceptance by Applicants
205.150	Emergency Hearing to Re-award Dates

AUTHORITY: Authorized and implemented pursuant to the Illinois Horse Racing Act of 1975 [230 ILCS 5].

SOURCE: Emergency adoption at 16 Ill. Reg. 16318, effective October 6, 1993, for a maximum of 150 days; emergency expired March 5, 1993; emergency rule adopted at 17 Ill. Reg. 6859, effective April 16, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 13615, effective July 30, 1993; emergency amendment at 19 Ill. Reg. 8011, effective June 5, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 13953, effective October 1, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 205.30 Filing of Applications

Applications for an organization license to conduct a horse racing meeting in Illinois pursuant to the Racing Act shall be filed at the office of the Board no later than 5:00 p.m. on August 1 31 (or if August 1 31 is not a business day, the next business day thereafter) of the year prior to the year in which the meet is sought. ~~Applications filed after this date shall be considered only under the provisions of Section 204 of the Racing Act.~~ Each applicant shall file fifteen (15) copies of the application with the Board.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

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Section 205.70 Service of Application and Evidence Supporting Application

Each applicant shall serve a complete copy of its application and all supporting written testimony and exhibits on all persons who had applied for an organizational license the previous year by 5:00 p.m. on August 1 31 (or, if August 1 31 is not a business day, on the next business day) and on any other party who has filed an application in the current year. The Board shall notify all parties of the name and address of any other party filing an application for an organization license and all applicants shall serve a copy of the application and all supporting written testimony and exhibits on all such additional parties by messenger or overnight delivery.

(Source: Amended at 20 Ill. Reg. _____, effective _____.)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: Projects with Industry
- 2) Code Citation: 89 Ill. Adm. Code 640
- 3) Section Numbers: Proposed Action:
- 640.20 Amendments
- 640.30 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

- 5) A Complete Description of the Subjects and Issues Involved: The changes/additions are being made to clarify the relationship that exists between DORS and approved PWIS.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This is not applicable to this Rulemaking.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules within 45 days after this issue of the *Illinois Register*. All requests and comments should be submitted in writing to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896
 TTY: (217) 785-9301

If because of physical disability you are unable to put comments into writing, you may make them orally to the person listed above.

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this rulemaking will not affect small businesses.

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NOTICE OF PROPOSED AMENDMENT(S)

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: July 1995
- The full text of the Proposed Rule begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

c) Failure by DORS to act within the 60 calendar day period commencing upon receipt of the determination shall indicate concurrence with the determination made by the ~~entity--with--the--approved~~ PWI approved entity.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 640.30 Referral to Approved PWIs by DORS

DORS will refer a customer to a PWI when it is determined that:

- a) the customer is eligible for DORS services;
- b) the customer meets DORS' Order of Selection; and
- c) PWI services are determined appropriate for the customer.

(Source: Added at 20 Ill. Reg. _____, effective _____)

DEPARTMENT OF REHABILITATION SERVICES
NOTICE OF PROPOSED AMENDMENT(S)

TITLE 89: SOCIAL SERVICES
CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
SUBCHAPTER C: VOCATIONALLY RELATED PROGRAMS

PART 640
PROJECTS WITH INDUSTRY

- Section 640.10 General Provisions
- 640.20 Eligibility Determinations
- 640.30 Referral to Approved PWIs by DORS

AUTHORITY: Implementing and authorized by Sections 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b), and (k)].

SOURCE: Adopted at 18 Ill. Reg. 11271, effective June 30, 1994; amended at 20 Ill. Reg. _____, effective _____.

Section 640.20 Eligibility Determinations

a) Favorable determination regarding an individual's eligibility made by an approved PWI shall be reviewed by DORS. ~~BORS--shall--review--all favorable--eligibility--determinations--for--individuals--made--by--any entity--having--an--approved--PWI--through--RSA--within--the--State--of Illinois--~~

b) Upon receipt from the entity--with--the--approved PWI approved entity of the eligibility determination and documentation on which the determination was made, the appropriate DORS local office staff person shall review the eligibility determination pursuant to the criteria in DORS' rules at 89 Ill. Adm. Code 553 - Eligibility. The outcome of this determination shall be:

1) the determination is found to be appropriate and the individual is determined eligible to receive DORS services pursuant to the criteria listed in 89 Ill. Adm. Code 553. In such instance DORS will open a vocational rehabilitation case for the purposes of tracking and assistance and will develop an Individualized Written Rehabilitation Program (89 Ill. Adm. Code 572) for the provision of services through the PWI; 7--no--further--action--is taken--by--BORS--or-- the individual is determined to be appropriate for PWI services, but not eligible for DORS services. DORS will inform the PWI approved entity that the determination of eligibility for PWI services is appropriate; or

2) the individual is determined to be ineligible for DORS services and PWI services and ~~the--determination--is--found--to--be inappropriate--or--in--error~~ DORS notifies the entity ~~with--the approved~~ PWI approved entity that the individual is not eligible to receive services through the PWI.

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Illinois Safety Responsibility Law
- 2) Code Citation: 92 Ill. Adm. Code 1070
- 3) Section Numbers:
1070.110
New Section
- 4) Statutory Authority: Chapter 7, the Illinois Safety and Family Financial Responsibility Law, of the Illinois Vehicle Code [625 ILCS 5/Ch. 7].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed pursuant to P.A. 89-92, which will become effective July 1, 1996. This new legislation created the Illinois Safety and Family Financial Responsibility Law, which provides that upon conviction for a traffic related offense, a driver's license will be suspended if the driver is not in compliance with a court order for payment of child support. This proposed rulemaking outlines the procedures for reinstatement of a driver's license, as well as the procedures to obtain a Family Financial Responsibility Permit to relieve undue hardship, if his/her driver's license is valid at the time of the offense.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have a slight effect on local units of government, regarding the forwarding of information to the Secretary of State's Office.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be writing and should be sent to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
(217) 782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the

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Secretary of State feels this proposed rulemaking may affect some types of small businesses and the proposed rule has been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

- 13) Regulatory Agenda on which this rulemaking was summarized: January 1996
- The full text of the Proposed Amendment begins on the next page:

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section

1070.10 Forms of Security

1070.20 Future Proof

1070.30 Installment Agreements

1070.40 Disposition of Security

1070.50 Failure to Satisfy Judgment

1070.60 Release From Liability

1070.70 Incomplete Unsatisfied Judgment

1070.80 Driver's License Restriction for Exclusive Operation of Commercial Vehicles

1070.90 Dormant and Dead Judgments

1070.100 Bankruptcy

1070.110 Illinois Safety and Family Financial Responsibility Law

AUTHORITY: Implementing and authorized by the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7].

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; New Part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. 8517, effective May 27, 1993; amended at 18 Ill. Reg. 10909, effective June 28, 1994; amended at 20 Ill. Reg. 398, effective December 20, 1995; amended at 20 Ill. Reg. _____, effective _____.

Section 1070.110 Illinois Safety and Family Financial Responsibility Law

a) For purposes of this Section, the following definitions shall apply:

"Cancellation" - the annulment or termination by formal action of the Secretary of State of a person's Family Financial Responsibility Driving Permit (FFRP) because of some error or defect in the FFRP or because the permittee is in some form of violation of any of the requirements contained in the Illinois Vehicle Code or Illinois Administrative Code.

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Family Financial Responsibility Driving Permit" (FFRP) - a

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document issued to persons who have had their full driving privileges suspended which grants and specifies limited driving privileges as specified in Section 7-702.1 of the Illinois Vehicle Code [625 ILCS 5/7-702.1].

"Invalidation" - to render a license or permit no longer valid for the purpose it was issued as specified in Section 6-301.3 of the Illinois Vehicle Code [625 ILCS 5/6-301.3].

"Law Enforcement" - a police officer, sheriff, coroner, municipal prosecutor, or state's attorney.

"Law Enforcement Sworn Report" - a confirmation of correctness and truth by an affidavit, oath, deposition or a verification by certification executed by a law enforcement officer as specified in Section 11-501.1(d) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1(d)] and Section 1-109 of the Code of Civil Procedure [735 ILCS 5/1-109].

"Received by the Department of Administrative Hearings" - written request for an administrative hearing that is received and date-file stamped at the Department of Administrative Hearings located at Michael J. Howlett Building, 2nd Floor, Springfield, IL 62756.

"Stay Order" - the temporary suspension of the regular order of proceeding in a cause, by direction or order of the court.

b) The Department shall not enter an order of suspension for purposes of Section 7-702 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-702] unless the authenticated report provided for in Section 7-703 of the Illinois Safety and Family Financial Responsibility Law is complete. It must be on a form prepared or approved by the Secretary of State and include obligor's name and address, case number, driver's license number, date of birth, sex, the date the order was entered, court clerk or judge's signature or the signature of his/her designee, court seal or file stamp, court, court address, date certified, obligee's full name and attorney initiating action where applicable.

c) The Department shall not enter a Family Financial Responsibility Driving Permit for purposes of Section 7-702.1 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-702.1] unless the following conditions are met:

1) The Department receives a certified court order on a form prepared and approved by the Secretary of State from the court of jurisdiction.

2) The order shall include: name and address of individual receiving permit, court case number, driver's license number, date of birth

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and sex, employer and address if applicable, medical treatment if applicable, hours petitioner permitted to operate vehicle, route to be traveled, issue date, judge's signature or the signature of his/her designee, court seal and county.

d) Upon receipt of one or more of the following documents from a circuit clerk's office, law enforcement agency or the Department of Administrative Hearings within the Office of the Secretary of State, the Department shall invalidate a FRFP:

- 1) a copy of a charging document for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance [625 ILCS 5/11-501], driving outside of restrictions of permit in violation of Section 6-113(e) of the Illinois Vehicle Code [625 ILCS 5/6-113(e)], leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 of the Illinois Vehicle Code [625 ILCS 5/11-401], or drag racing violation of Section 11-504 of the Illinois Vehicle Code [625 ILCS 5/11-504]. The law enforcement officer issuing a citation for any of the above listed offenses shall confiscate the FRFP and forward it, along with the citation, to the clerk of the circuit court of the county in which the citation was issued. Whenever a FRFP is forwarded to a court, as a result of confiscation by a law enforcement officer, it shall be the duty of the clerk to forward such FRFP and a facsimile of the officer's citation to the Secretary of State as expeditiously as possible;

- 2) a report of any disposition of court supervision or convictions for manslaughter or reckless homicide resulting from operation of a motor vehicle in violation of Section 9-3 of the Criminal Code [720 ILCS 5/9-3], driving under the influence of alcohol and/or other drugs in violation of Section 11-501 of the Illinois Vehicle Code or a similar provision of a local ordinance [625 ILCS 5/11-501], leaving the scene of a motor vehicle accident involving death or personal injury in violation of Section 11-401 of the Illinois Vehicle Code [625 ILCS 5/11-401], or drag racing in violation of Section 11-504 of the Illinois Vehicle Code [625 ILCS 5/11-504]; or
- 3) Law Enforcement Officer's Sworn Report.

e) A Family Financial Responsibility Driving Permit issued pursuant to Section 7-702.1 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/702.1] shall be valid until it is invalidated, suspended, revoked or canceled, or as specified by the Court.

f) The Department shall invalidate a FRFP, upon receipt of a court order indicating the permittee is no longer entitled to such permit, in the same manner as a driver's license may be invalidated.

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g) The Department, upon receipt of authenticated documentation that the obligor is in compliance with the court order of support or that the order of suspension has been stayed, shall terminate the FRFP.

h) In order to reinstate the privileges under the Illinois Safety and Family Financial Responsibility Law, the Department must receive authenticated documentation on a form prepared or approved by the Secretary of State which must include case number, driver's license number, name, address and county, date of birth, sex, notice of compliance or stay, signature of circuit clerk, issuing judge, circuit court, court seal, street and city.

i) Any submitted authenticated report or Record of Nonpayment of Court-Ordered Child Support that may be defective by not containing sufficient information or completed in error shall not be entered into the record and shall be returned to the court of jurisdiction indicating why the order of suspension cannot be entered unless the necessary information is submitted.

j) Any submitted court order that contains insufficient data or fails to comply with any provisions of this Part or Article Responsibility of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/Ch. 7, Art. VII] shall be returned to the court of jurisdiction indicating why the Family Financial Responsibility Driving Permit cannot be issued at that time.

k) The Secretary of State, upon receipt of a written request for administrative hearing that is received by the Department of Administrative Hearings prior to the effective date of the suspension, shall stay the Family Financial Responsibility Suspension in accordance with Section 7-706 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-706].

l) The Secretary of State, upon receipt of an Order to Stay as listed on the Notice of Compliance prior to or after the effective date of the suspension, shall stay the Family Financial Responsibility Suspension in accordance with Section 7-704 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/7-704].

m) An obligor whose driving privileges have been suspended pursuant to Section 7-702 of the Illinois Safety and Family Financial Responsibility Law and possesses a Family Financial Responsibility Driving Permit shall be required to renew his/her driving privileges in the same manner as set forth in Section 6-115 of the Illinois Vehicle Code [625 ILCS 5/6-115]. Non-renewal of a driver's license pursuant to Section 6-115 will result in invalidation of the Family Financial Responsibility Driving Permit.

n) The fee collected by the Department for reinstatement of a driver's license following a suspension shall be as prescribed by Section 6-118 of the Illinois Vehicle Code and Section 7-707 of the Illinois Safety and Family Financial Responsibility Law and shall be charged for each suspension entered pursuant to Section 7-704 of the Illinois Safety and Family Financial Responsibility Law [625 ILCS 5/6-118, 7-707 and 7-704].

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(Source: Added at 20 Ill. Reg. _____, effective _____)

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: The Administration and Operation of the State Employees' Retirement System of Illinois

2) Code Citation: 80 Ill. Adm. Code 1540

3) Section Numbers: 1540.60
Proposed Action: Amendment

4) Statutory Authority: 40 ILCS 5/14-135.03

5) A Complete Description of the Subjects and Issues Involved: The proposed amendment involves the optional repayment of a refund received while legal action was pending. Previously, if a member was reinstated, he/she was allowed to reestablish the service credit forfeited if the refund was repaid within 30 days of notification by the System. This repayment would be permitted without interest charged to the member. If the member were unable to repay the entire amount of the refund within the 30-day period, he/she would need to establish 24 months of service credit before being allowed to repay the refund on an installment basis. This change waives the 24-month service credit requirement, and allows the member to repay the refund, with interest, in a lump sum or installments immediately, if he/she chooses. The member may still repay the refund without interest if paid in its entirety within 30 days of notification by the System.

6) Will this proposed rule replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: None

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted in writing within 45 days after the proposed rules are published in the Illinois Register and should be directed to:

Michael L. Mory, Executive Secretary
State Employees' Retirement System of Illinois
P.O. Box 19255 - 2101 South Veterans Parkway
Springfield, Illinois 62794-9255
Telephone: 1-217-785-7444

12) Initial Regulatory Flexibility Analysis: None

13) Regulatory Agenda on which this rulemaking was summarized: January 1996.

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

The full text of the Proposed Amendments begins on the next page:

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

SUBTITLE D: RETIREMENT SYSTEMS

CHAPTER I: STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

PART 1540

THE ADMINISTRATION AND OPERATION OF THE

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

Section

1540.5	Introduction
1540.10	Appointment of Retirement System Coordinator
1540.20	Member's Contribution and Service Credit
1540.30	Determination of Rate of Compensation
1540.40	Prior Service Credit
1540.50	Credit for Service for Which Contributions are Permitted
1540.60	Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity
1540.70	Death Benefits
1540.80	Disability Claims
1540.90	Benefit Offset
1540.100	Birth Date Verification
1540.110	Marriage Verification
1540.120	Level Income Option
1540.130	Pension Credit for Unused Sick Leave
1540.140	Removal of Children from Care of Surviving Spouse
1540.150	Proof of Dependency
1540.160	Investigations of Benefit Recipients
1540.170	Interest on Member Contributions
1540.180	Date of Application - Retirement Annuity, Occupational and Nonoccupational and Temporary Disability Benefits, and Resignation Refund Payments
1540.190	Lump Sum Salary Payments
1540.200	Removal From the Payroll
1540.210	Latest Date of Membership
1540.220	Period for Payment and Amount of Payment of Contributions
1540.230	Contributions By the State (Repealed)
1540.240	Actuarially Funded Basis (Repealed)
1540.250	Payments to Establish Credit for Service for Which Contributions are Permitted
1540.260	Contributions and Service Credit During Nonwork Periods
1540.270	Written Appeals and Hearings
1540.280	Availability for Public Inspection (Recodified)
1540.290	Procedure for Submission, Consideration and Disposition of Petitions Seeking the Promulgation, Amendment or Repeal of these Rules and Regulations (Recodified)
1540.300	Organization of the State Employees' Retirement System (Recodified)
1540.310	Amendments
1540.320	Optional Forms of Benefits - Basis of Computation

STATE EMPLOYEES' RETIREMENT SYSTEM OF ILLINOIS

NOTICE OF PROPOSED AMENDMENT(S)

1540.330 Board Elections

TABLE A Optional Forms of Benefits - Basis of Computation

AUTHORITY: Implementing and authorized by of the Illinois Pension Code [40 ILCS 5/14-101].

SOURCE: Filed December 20, 1977, effective December 31, 1977; filed and effective February 28, 1978; emergency rule at 4 Ill. Reg. 2, page 246, effective January 1, 1980; amended at 4 Ill. Reg. 12, pages 530, 532, 534, effective March 11, 1980; emergency rule at 4 Ill. Reg. 46, page 1300, effective November 1, 1980; amended at 5 Ill. Reg. 3454, effective March 19, 1981; amended at 5 Ill. Reg. 7225, effective July 1, 1981; amended at 5 Ill. Reg. 12846, effective October 30, 1981; amended at 6 Ill. Reg. 2114, effective January 29, 1982; amended at 6 Ill. Reg. 5505, effective April 16, 1982; codified at 6 Ill. Reg. 10935; emergency amendment at 6 Ill. Reg. 11084, effective August 31, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 677, effective December 30, 1982; amended at 7 Ill. Reg. 8831, effective July 15, 1983; emergency amendment at 8 Ill. Reg. 359, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4144, effective March 26, 1984; Sections 1540.280, 1540.290 and 1540.300 recodified to 2 Ill. Adm. Code 2375 at 8 Ill. Reg. 15902; amended at 9 Ill. Reg. 12375, effective July 30, 1985; emergency amendment at 9 Ill. Reg. 19752, effective December 5, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 8889, effective May 14, 1986; amended at 11 Ill. Reg. 11155, effective June 15, 1987; amended at 14 Ill. Reg. 10498, effective June 19, 1990; amended at 15 Ill. Reg. 7379, effective April 26, 1991; amended at 16 Ill. Reg. 14407, effective September 4, 1992; amended at 20 Ill. Reg. _____, effective _____.

Section 1540.60 Severance of Employment - A Condition to the Payment of a Refund or Retirement Annuity

- a) Application

Any member eligible to receive a refund of his contribution or a retirement annuity shall, if he so elects, make written request thereof at the Springfield Office of the System upon a form prescribed by the Board.
- b) Verification of Withdrawal From Service

A request for any of the payments outlined in this Section shall not be considered until the Board shall have received a written notice from the Department in which the member was employed certifying to the member's withdrawal from service and the effective date thereof.
- c) Withdrawal From Service - Period of Separation

A member who terminates employment and then returns to State employment shall be eligible for a refund of contributions only if there is at least a fourteen day break in State employment as reflected on a payroll and the refund application is executed by the member prior to the date of reemployment. A member who is placed on "Temporary Layoff" as defined by rule of the Department of Central

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Management Services shall not be considered to have met the definition of "Withdrawal" as defined in the Act.

d) Effect of Legal Action

In the event a refund or a retirement annuity is paid and legal action results in the member being reinstated to his position with full restoration of all rights and privileges, he shall be permitted to reestablish his credit by repaying the amount of contributions refunded to him, without interest, if paid within 30 days from the date of notification by the System. If a member does not repay the amount of contributions refunded to him, without interest, within 30 days from the date of notification by the System, he may request to re-establish the service credit either in a lump sum or installment payments by direct payment or payroll deduction. The two-year minimum service requirement is waived for purposes of determining the period within which the member may commence payment of the refund. All other repayment terms and conditions will be the same as those contained in Section 1540.250, Payments to Establish Credit for Service for Which Contributions are Permitted. If a retirement annuity has been initiated it shall be discontinued immediately and he shall repay the total amount of benefits received during the reinstated period.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Bees and Apiaries Act

2) Code Citation: 8 Ill. Adm. Code 60

3) Section Numbers: Adopted Action:

60.10 Amended
60.20 Amended
60.30 Amended
60.40 Amended
60.50 Amended
60.60 Amended
60.70 Amended
60.80 Repealed

4) Statutory Authority: Bees and Apiaries Act [510 ILCS 20]

5) Effective Date of amendments: January 25, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this proposed amendment contain incorporations by reference? Yes

8) Date Filed in Agency's Principal Office: January 24, 1996

9) Notices of Proposal Published in Illinois Register: January 27, 1995; 19 Ill. Reg. 754

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version: Nonsubstantive editorial changes were made. In Section 60.10, the proposed definition for "infection" was deleted. In Section 60.40(c), notification shall be made to the beekeeper in writing "by certified mail". In Section 60.50(c), the last sentence was modified concerning the certification of colonies or package bees as European.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this amendment replace an emergency amendment in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of amendments: In accordance with amendments to the Bees and Apiaries Act (P.A. 88-138, effective January 1, 1994), many sections of the rules have been modified. A committee comprised of representatives from the following areas formulated the amendments

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contained in this rulemaking: commercial and hobbyist beekeepers, Illinois State Beekeepers Association, State Apiary Inspection Section, and Cooperative Extension Service.

Section 60.20, Registration and Colony Identification, adds the request for other pertinent information to locate and identify the beekeepers and colonies of bees. Section 20/2(b) of the Act authorizes the possible posting of the beekeeper's registration number in the apiary. To enhance the efficient inspection and identification of colonies, this requirement was added to the rules. This Section also specifies the regulation of the nuisance of unregistered colonies as referenced in Section 20/2-1 of the Act.

In Section 60.40, Equipment, the time limit during which a beekeeper must correct a problem with hives that cannot be inspected was changed from 12 months to a more definite and reasonable time period of 90 days. A time period of 7 days to effect abatement after issuance of a notice is also established.

Many changes have been adopted in Section 60.50, Diseased or Parasitized Colonies and Exotic Strains. The first subsection was deleted since American foulbrood is the only disease that is to be regulated. A procedure that has been used routinely for the abatement of diseased colonies was added to the rules. Due to the nearly ubiquitous distribution of bee parasites, Section 60.50(c) was deleted and replaced by a subsection requiring treatment for parasites before colony or bee movement will be authorized. Two subsections dealing with exotic strains of bees are added to the rules. The migration and introduction of exotic Regulations need to be in place to handle outbreaks and to attempt to prevent the introduction and spread of exotic strains.

Section 60.60, Permits, adds the requirement of the date of treatment for parasites. This follows from the previous section that requires treatment for parasites before movement is authorized. The time period after an inspection during which a moving permit can be issued and before another inspection is required has been increased from 60 days to 90 days.

Subsections of the Quarantine section, Section 60.70, were updated to include exotic strains of bees.

16) Information and questions regarding this adopted amendment shall be directed to:

Debbie Wakefield
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281

DEPARTMENT OF AGRICULTURE
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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 60
BEES AND ~~APIARY~~ APIARIES ACT

Section	
60.10	Definitions
60.20	Registration; Colony Identification
60.30	Inspection
60.40	Equipment
60.50	Diseased or Parasitized Colonies; Exotic Strains
60.60	Permits
60.70	Quarantine
60.80	Administrative Rules (Repealed)

AUTHORITY: Implementing and authorized by the Bees and Apiaries Act [510 ILCS 20].

SOURCE: Rules and Regulations Relating to the Bees and Apiaries Act, filed March 4, 1970, effective March 15, 1970; amended May 18, 1971, effective May 28, 1971; amended January 18, 1974, effective February 1, 1974; codified at 5 Ill. Reg. 10447; Part repealed, New Part adopted at 6 Ill. Reg. 7395, effective July 1, 1982; amended at 20 Ill. Reg. 2390 III, effective JAN 2 1988.

Section 60.10 Definitions

"Bee Parasites" means the parasitic bee mites, *Varroa jacobsoni* or *Tropilaelaps clareae*, at "Compliance-Agreement"---means---a---written agreement---between---a---beekeeper---or---other---person---handling---or---moving regulated---articles---and---the---Directory---wherein---the---former---agrees---to specified---conditions---and/or---requirements---so---as---to---remain---compliant with---the---terms---of---a---quarantine
b) "Control-Area"---means---an---area---of---harmful---disease---or---parasite infestation---requiring---control---measures---to---eradicate---or---reduce consistent---with---the---Department---of---Agriculture's---objective---the population---which---with---or---without---proper---control---presents---a---significant risk---for---spreading---the---harmful---pest---to---other---areas.

"Exotic Strain of Bees" means any African or Africanized honey bees or any developed strain of bee not known to be present ordinarily in the State that may present a hazard to beekeeping and/or the public.

c) "Infestation" means the presence of harmful bee diseases or parasites or exotic strains of bees the existence of circumstances that make it

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(217) 785-5713 or FAX: (217) 785-4505

The full text of Adopted Amendments begins on the next page:

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reasonable-to-believe-that-they-are-present.

- d) "Moved (Movement, Move)" means shipped, offered for shipment to a common carrier, received for transportation or transported, moved or allowed to be moved, by any person by any means. Movement and move shall be construed accordingly.

"Quarantine" means a circumstance in which bees, colonies, bee equipment or honey is restricted to the existing location, unless allowed to be moved or the honey extracted and removed under permit or compliance agreement with the Director.

- e) "Registration Certificate" means a certificate provided by the Department to an-aptary-owner a beekeeper upon acceptance of the application for registration. The Said certificate will-assign shall be numbered and show an-aptary-owner-number each beekeeper's and-show the-aptary-owner's name and mailing address.

- f) "Regulated-Area" means any civil division or any portion thereof--that is--under--quarantine--and--for--which it has-been-designated--that the movement-of-articels-is-regulated.

- g) "Scientific Permit" means a document issued by the Director Department to allow the movement of regulated articles to a specified destination for scientific purposes.

(Source: JAN 26 1996 20 Ill. Reg. 2390 III, effective 2390)

Section 60.20 Registration; Colony Identification

- a) Any person acquiring ownership or possession of bees shall within ten (10) days after of such acquisition file an application for registration with the Department.
- b) Any person moving bees into this State from another state or country shall within ten (10) days of after arrival file an application for registration with the Department.
- c) Any person owning or possessing bees in the State shall during the month of November of each year file with the Department an application for registration to renew his/her his or her current registration.
- d) Application for registration will be made on forms available from the Director Department. The registration information shall include:

- 1) The aptary-owner's beekeeper's name, and mailing address, county of residence, phone number and date.
- 2) The county name and exact location (such as as township, section number, road number, street address, etc.) where the bees are kept.
- 3) The current number of colonies maintained at each location.
- 4) The name of the landowner or other person in-charge of each site

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where apiaries are maintained.

- e) The Department will issue to beekeepers a certificate-of registration certificate after the Director Department approves receives the application. All registration certificates will remain in-force valid unless cancelled by the Department when it is determined that a beekeeper is no longer keeping bees or at the registrant's request or if--he/she-fails-to-reregister-as-requested--each-year--during-the-month-of-November.

- f) All apiaries shall be identified. This identification shall consist of the State abbreviation "IL" followed by the beekeeper's Illinois registration number in weatherproof lettering not less than one-half inch in height. The number shall be displayed prominently on the front of a hive.

- g) All bees of colonies not registered with the Department shall be declared a nuisance. The beekeeper shall have 30 days in which to register. Failure to comply within 30 days will result in abatement of the nuisance.

- h) ~~f~~ There shall be no registration fees.

(Source: Amended at 20 Ill. Reg. 2390, effective JAN 26 1996)

Section 60.30 Inspection

- a) Every beekeeper shall when requested by the Director Department when performing--inspection-in-the-conduct-of-official-duties provide the complete--inventory--and location of all bee bees, colonies and beekeeping bee equipment owned or in his/her his or her possession.

- b) The Director Department may request and require that the beekeeper assist in locating and handling bees, colonies and beekeeping bee equipment so that inspection may be properly performed.

- c) The-Director-may-stop-any-bee-colonies-or-beekeeping--equipment--found-to--be--in-transit-in-this-State-and-verify-that-movement-is-permitted-or-immediately-quarantine-such-bees-or-equipment-until--an--inspection-can-be-performed-to-establish-that-no-dangerous-diseases-or-parasites harmful-to-honeybees-are-present-or-do-not-poss--a--significant--threat-to-other-beekeepers-in-the-State. 2390

(Source: Amended at 20 Ill. Reg. 2390, effective JAN 26 1996)

Section 60.40 Equipment

- a) No-person-shall-keep-or-maintain-bees-in-any Any hive from which all framear frames or honeycomb or honey cannot be readily removed for inspection including cross-comb hives or maintain any hive in any situation where adequate or efficient inspection is difficult, impracticable impractical, or impossible is hereby declared a

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be abated. Colonies or package bees accepted from any area known to be infested with exotic strains of bees must be certified by the USDA or any state apiary inspection program as being European by using any USDA approved identification method.

- d) The regulation of bees or colonies in an Africanized honey bee area shall be in accordance with the European Honey Bee State Certification Procedure of the Model Honey Bee Certification Plan (November 20, 1991) as approved by the National Association of State Departments of Agriculture (1156 - 15th Street N.W., Suite 1020, Washington, DC 20005) and the United States Department of Agriculture Interagency Technical Working Group on the Africanized Honey Bee (Agricultural Research Service, National Program Staff, Beltsville, MD 20705).
e) Incorporations by reference do not include any amendments or editions beyond the date specified and may be viewed and/or copied at the Department's Springfield office.

(Source: Amended at 20 Ill. Reg. 2390 ≡, effective JAN 25 1996)

Section 60.60 Permits

- a) A-beekeeper--desiring--to--ship--or No person shall move bees, colonies or except-bees-in-comb--packages--and/or used beekeeping bee equipment within-the-State from one county to another within the State, or into this State from any other states--and/or--other--countries shall--notify state or country, without notifying the Director Department in person, in writing or by telephone at least ten (10) days prior to such movement in-order-to-obtain to allow issuance of a permit authorizing-the-movement.
b) The permit shall specify the following information:
1) Beekeeper's name and mailing address.
2) The apiary registration number as assigned or other unique identification codes and/or marks or similar information.
3) The origin of the bees or equipment being moved.
4) The number of colonies or nature of equipment being moved.
5) The destination of the bees or equipment being moved.
6) The date when shipment movement will be made.
7) The date of treatment for bee parasites.
c) A permit shall be issued if bees or equipment being moved from county to county or into the State of Illinois have been inspected within sixty (60) days before the date of shipment and--found--apparently free--from--bee-diseases--and--harmful--parasites. The person moving the said bees or equipment into Illinois shall furnish to the Director--a certificate--of Department an inspection certificate and--its--findings signed by an authorized inspector, entomologist, or other responsible official identifying all bee diseases and bee parasites and any controls that were implemented.

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nuisance.
b) All--cross-comb--hives--from--which--honey-comb--cannot--be--readily--removed are hereby--and--immediately--declared--a--nuisance.

b)et When a-beekeeper-is-found-to-be-using-such-cross-comb--hives--he/she such a nuisance is declared, the colony owner and/or beekeeper shall be notified in writing via certified mail to cease the use of such hives. Such--notice--will--establish--the Compliance time-limit--within which-compliance must be effected but-in-no-case--will--more--than--12 months--be--allowed--to--effect-compliance within 90 days from the receipt of the notice by the beekeeper.

c)et If When the beekeeper has failed to comply within the 90 day period, after-the-expiration-of-said-notice--the--registrant--has--failed--to cease--use--of--cross-comb--hives--for--keeping--bees the Department may immediately-seize-and--destroy--said--hives--without--remuneration--to registrant will issue a notice to the colony owner and/or beekeeper ordering the nuisance to be abated. The nuisance must be abated within 7 days from the date of receipt of the notice by the beekeeper.

(Source: Amended at 20 Ill. Reg. 2390 ≡ effective JAN 26 1996)

Section 60.50 Diseased or Parasitized Colonies; Exotic Strains

a) Bee-colonies--infected--with--harmful--bee--diseases--other--than--American foulbrood--shall--be--evaluated--on--a--colony--by--colony--basis--and treatment--for--the--disease--shall--be--undertaken--to--reduce--the--risk--of spread--in--accordance--with--the--recommendations--of--the--Department.

a)et Every Any colony of bees within the State found to be infected with American foulbrood disease shall be ordered--destroyed--by--burning abated. Such--burning--is--to--be--done--in--the--presence--or--under--the supervision--of--the--Director. All combs, frames, honey and bees must be abated by burning in a pit at least 18 inches deep and then covering the ashes with at least six inches of soil. Hive bodies, supers, bottom boards, inner covers and outer covers can be salvaged by sanitizing with a scorching flame.

c) Bee--colonies--shall--be--declared--a--nuisance--by--the--Director--when--found to be infested with harmful bee parasites or if the beekeeper--refuses treatment--of--the--colonies--in--order--to--reduce--the--risk--of--spread--of--the disease--Bee--colonies--or--equipment--declared--a--nuisance--may--be quarantined--or--destroyed--depending--on--availability--of--known--treatment the-type-of-parasite--and--its--harmful--effect--and--the-risk--of--spread. Bees, colonies or items of bee equipment can be moved within or into the State if treatment for the control of bee parasites using United States Environmental Protection Agency approved substances has been initiated not more than 30 days prior to movement.

c) No person shall possess exotic strains of bees within the State. Any colony within the State found to contain exotic strains of bees shall

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(Source: Amended at 20 Ill. Reg. **2390** \equiv \equiv , effective **JAN 25 1996**)
 Section 60.70 Quarantine

a) When upon inspection the Director finds bees or beekeeping equipment infected with disease or infested with parasites harmful to bees or when he/she has reason to believe conditions are such that harmful diseases or parasites are present, the Director may implement a quarantine to prevent their spread from the area affected.

a) b) A quarantine will delimit the area to be quarantined will be designated by commonly accepted and readily identifiable boundaries (i.e., counties). Boundaries shall said boundaries may be changed by the Director to include contiguous areas when if it has been determined the harmful disease or disease, parasite or exotic strain has spread thereto into that area.

b) c) A quarantine will include specific restrictions on or requirements for movement into, out of, or through the quarantine area.

c) d) A quarantine will specify the articles to be regulated and, if required, those exempted.

d) e) A quarantine will specify the measures to be undertaken to control or eradicate the harmful disease or disease, parasite or exotic strain. and the conditions that shall govern the movement of regulated articles is allowed. Any movement may require but not be limited to permits, while control measures may require but not be limited to compliance agreements.

e) f) The Director may through a specific quarantine require advance request for inspection or provide advance notice of the need for quarantine related inspections and for the issuance of permits or the establishment of compliance agreement to meet the obligation of the quarantine while maintaining routine activities.

f) g) When the Director finds that any person has failed to comply with the provisions of the quarantine or terms of a permit or compliance agreement, the Director may, after notice and reasonable opportunity to present views has been accorded to all parties, revoke a permit or cancel a compliance agreement.

g) h) For movement of regulated articles, a permit or agreement must be attached to the outside of each article or any container in which such article is moved, except such attachment is not required where said permit or agreement is attached to a waybill or other shipping document.

h) i) The Director may stop, inspect and seize, destroy, or otherwise dispose or order disposal of regulated articles found in violation of a quarantine.

i) j) A quarantine will specify the beginning effective date, if the Director determines that the best method of informing persons that a quarantine is to be implemented, he/she may convene a public

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k) Information meeting in the quarantine area. Quarantines to be implemented will be announced in the regulated area through various available communication media serving that area and it be posed on public information boards. Should the Director find it practicable to inform only those individuals to be affected that a quarantine is to be implemented he/she may also effect notification in that manner. The Director will not issue a public quarantine notice if only one beekeeper is involved, if the beekeeper is located in an isolated area, if only a few beekeepers are infected, the problem is manageable and public notice could have an adverse effect on the beekeeper's local market.

i) Upon determination that a quarantine should be suspended or cancelled the Director may, if practicable, individually inform those affected and provide them an opportunity to present their views on the proposal or he/she may convene a public information meeting for an opportunity to present and discuss views.

m) If the Director determines that the harmful disease(s) and/or parasite(s) found and quarantined no longer pose a significant risk of spread, he/she may cancel a quarantine.

f) n) If the Director determines that the harmful disease(s) and/or parasite(s) disease, parasite or exotic strain for which a quarantine has been implemented has been controlled or eradicated according to the Department's recommendation, he/she or she may shall cancel a quarantine.

o) If the Director has reason to believe that circumstances other than those in the preceding paragraph are such that a quarantine is no longer required, he/she may cancel said quarantine.

(Source: Amended 20 Ill. Reg. **2390** \equiv \equiv , effective **JAN 25 1996**)

Section 60.80 Administrative Rules (Repealed)

Pursuant to Section 219 of this Act, the Department has promulgated Administrative Rules (Formal Administrative Hearings) Contested Cases, Petitions, and Administrative Procedures being 8 Illinois Administrative Code Part 1.

(Source: Repealed 20 Ill. Reg. **2390** \equiv \equiv , effective **JAN 25 1996**)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

1) Heading of the Part: Environmental Health Practitioner Licensing Act2) Code Citation: 68 Ill. Adm. Code 12473) Section Numbers: Adopted Action:

1247.10	New Section
1247.20	New Section
1247.30	New Section
1247.40	New Section
1247.50	New Section
1247.60	New Section
1247.70	New Section
1247.80	New Section
1247.90	New Section
1247.110	New Section

4) Statutory Authority: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37]5) Effective Date of Rules: January 29, 19966) Does this rulemaking contain an automatic repeal date? No7) Do these Rules contain incorporations by reference? No8) Date Filed in Agency's Principal Office: January 26, 19969) Date Notice of Proposal Published in Illinois Register: September 8, 1995, at 19 Ill. Reg. 1259310) Has JCAR issued a Statement of Objections to these Rules? No11) Difference(s) between proposal and final version: Section 1247.50 was revised to reduce the burden a requirement for direct supervision would cause for a number of local health departments. A new subsection was added to establish that direct, on-site supervision of licensure applicants is not required.

Nonsubstantive changes also were made, involving drafting, style and organization to improve clarity.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? No agreement letter with JCAR was necessary for this rulemaking.13) Will these Amendments replace Emergency Amendments currently in effect? No

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14) Are there any Amendments pending on this Part? No15) Summary and Purpose of Rules: Public Act 87-1223, effective January 1, 1993, as amended by P.A. 89-0061, effective June 30, 1995, provides for the licensure of environmental health practitioners by the Department of Professional Regulation. The General Assembly provided funding for FY 1996 to implement the Act. When adopted, these rules will allow the Department to begin processing licensure applications. A grandfather period for licensure will run through December 31, 1996.16) Information and questions regarding this adopted part shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0800 Fax: 217/782-7645

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED RULES

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER B: PROFESSIONS AND OCCUPATIONS

PART 1247

ENVIRONMENTAL HEALTH PRACTITIONER LICENSING ACT

Section

- 1247.10 Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather)
- 1247.20 Application for Examination/Licensure
- 1247.30 Examination
- 1247.40 Approved Programs of Environmental Health Practitioners
- 1247.50 Experience
- 1247.60 Endorsement
- 1247.70 Renewal
- 1247.80 Inactive Status
- 1247.90 Restoration
- 1247.110 Granting Variances

AUTHORITY: Implementing the Environmental Health Practitioner Licensing Act [225 ILCS 37] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Adopted at 20 Ill. Reg. 2400 effective

JAN 29 1996

Section 1247.10 Application for Licensure as an Environmental Health Practitioner Under Section 21(a) or (b) of the Act (Grandfather)

- a) Any person seeking licensure under Section 21(a) of the Environmental Health Practitioner Licensing Act (the Act) shall file an application with the Department of Professional Regulation (the Department), on forms provided by the Department. The application shall be postmarked no later than December 31, 1996, and shall include the following:
- 1) Certification by the applicant's employer that on June 30, 1995, the effective date of the amendatory Act, the applicant was serving as a sanitarian or environmental health practitioner in environmental health practice in the State of Illinois;
 - 2) Proof of passage of the examination set forth in Section 1247.30;
 - 3) A complete work history; and
 - 4) The required fee set forth in Section 28 of the Act.
- b) Any person seeking licensure without examination under Section 21(b) of the Act shall file an application with the Department, on forms provided by the Department. The application shall be postmarked no later than December 31, 1996, and shall include the following:
- 1) Verification of current registration as a sanitarian or environmental health practitioner issued by the Registration

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Board of the Illinois Environmental Health Association or the National Environmental Health Association;

- 2) A complete work history; and
- 3) The required fee set forth in Section 28 of the Act.

Section 1247.20 Application for Examination/Licensure

An applicant for examination to obtain licensure as an environmental health practitioner shall file an application, on forms provided by the Department, at least 90 days prior to the examination date. The application shall include:

- a) Verification, on forms provided by the Department, that the applicant meets one of the following qualifications:
- 1) Holds a bachelor's degree from an accredited college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Part;
 - 2) Holds a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours, or the equivalent, of basic sciences approved by the Department in accordance with Section 1247.40 and 12 months of full-time experience as set forth in Section 1247.50; or
 - 3) Holds a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;
- b) A complete work history since receipt of a bachelor's degree;
- c) The required fee set forth in Section 28 of the Act; and
- d) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the jurisdiction in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
- 1) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - 2) A description of the examination in that jurisdiction; and
 - 3) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

Section 1247.30 Examination

- a) The examination for licensure as an environmental health practitioner shall be the Environmental Health Proficiency Exam administered by the Department or its designated testing service.
- b) The passing score on the examination shall be 70%.

Section 1247.40 Approved Programs of Environmental Health Practitioners

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- a) The Department of Professional Regulation shall approve a bachelor's or master's program if it meets the following minimum criteria:
- 1) The school or program is accredited by an agency recognized by the Council on Post-secondary Accreditation and the United States Department of Education or the jurisdiction in which it is located.
 - 2) The program has a sufficient number of full-time instructors to assure that educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions.
 - 3) Has a designated program director.
 - 4) Maintains permanent student records which summarize the credentials for admission, attendance, grades and other records of performance.
 - 5) Has a curriculum with a minimum of 30 semester hours, or the equivalent, of basic sciences with at least 3 hours in each of the following areas:
 - A) Physical Sciences;
 - B) Chemical Sciences;
 - C) Biological Sciences; and
 - D) Math.
- b) The Department shall accept a program in environmental health science from a college or university approved by the National Environmental Health Science and Protection Accreditation Council.

Section 1247.50 Experience

- a) A minimum of 12 months of full-time experience in environmental health as defined in Section 10 of the Act is required for licensure under Section 20(1)(B) of the Act. The technical guidance shall have been received from an individual(s) who, during the time the experience took place, was one of the following:
 - 1) A Licensed/Registered Environmental Health Practitioner.
 - 2) A Licensed Professional Engineer practicing in Environmental Health.
- b) Direct on-site supervision is not required.
- c) Full-time experience is defined as a minimum of 1,800 hours during a 12 month period.

Section 1247.60 Endorsement

- a) An applicant who is licensed/registered under the laws of another jurisdiction and who wishes to be licensed in Illinois as an environmental health practitioner shall file an application with the Department, on forms provided by the Department, which includes:
 - 1) Proof of Education and Experience
 - A) Certification of a bachelor's degree from an accredited

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college or university approved by the National Environmental Health Science and Protection Accreditation Council for environmental health curricula or its equivalent as approved by the Department in accordance with Section 1247.40 of this Part; or

- B) Certification of a bachelor's degree from an accredited college or university which included a minimum of 30 semester hours or the equivalent of basic sciences approved by the Department in accordance with Section 1247.40 and 12 months of full time experience as set forth in Section 1247.50; or
- C) Certification of a master's degree in public health or environmental health science from an accredited college or university if the applicant has completed a minimum of 30 semester or equivalent hours of basic science as approved by the Department in accordance with Section 1247.40;

- 2) Certification of successful completion of the Professional Examination Service Environmental Health Proficiency Exam or its equivalent;
- 3) A complete work history;
- 4) The required fee set forth in Section 28 of the Act; and
- 5) Certification, on forms provided by the Department, from the jurisdiction in which the applicant was originally licensed and the state in which the applicant predominantly practices and is currently registered/licensed, if applicable, stating:
 - A) The time during which the applicant was licensed in that jurisdiction, including the date of the original issuance of the license;
 - B) A description of the examination in that jurisdiction; and
 - C) Whether the file on the applicant contains any record of disciplinary actions taken or pending.

b) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure by endorsement shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Environmental Health Practitioners Board (Board) to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.

Section 1247.70 Renewal

- a) The first renewal period for licenses issued under the Act shall end April 30, 1998. Thereafter, every license issued under the Act shall expire on April 30 of even-numbered years. The holder of a license may renew such license during the month preceding the expiration date

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by paying the fee required by Section 28 of the Act.

- b) It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.
- c) Continuing education will be required to renew a license on April 30, 2000, and every renewal thereafter.

Section 1247.80 Inactive Status

- a) A licensed environmental health practitioner who notifies the Department, on forms provided by the Department, may place the license on inactive status and shall be excused from paying renewal fees until he/she notifies the Department in writing of the intention to resume active practice.
- b) Any licensed environmental health practitioner seeking restoration from inactive status shall do so in accordance with Section 1247.90.
- c) Any environmental health practitioner whose license is on inactive status shall not practice as an environmental health practitioner and shall not use the title "registered" or "licensed" environmental health practitioner in the State of Illinois. Any person violating this subsection shall be considered to be practicing without a license and shall be subject to the disciplinary provisions of the Act.

Section 1247.90 Restoration

- a) Any environmental health practitioner whose license expired or has been placed on inactive status for 5 years or less may have the license restored by paying the fees required by Section 28 of the Act.
- b) Any person seeking restoration of a license that has been expired or placed on inactive status for more than 5 years shall file an application, on forms provided by the Department, for review by the Board, together with the fee required by Section 28 of the Act. The applicant shall also submit either:
 - 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from an appropriate board or licensing authority in the other jurisdiction that the licensee/registrant was authorized to practice during the term of active practice; or
 - 2) An affidavit attesting to military service as provided in Section 27(c) of the Act; or
 - 3) Proof of passage of the environmental Health Proficiency Examination during the period the license was lapsed or on inactive status.
- c) When the accuracy of any submitted documentation or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the

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registrant seeking restoration shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information.
- d) Upon the recommendation of the Board and approval of the Director, an applicant shall have the registration restored or be notified in writing of the reason for denying the application.

Section 1247.110 Granting Variances

- a) The Director of the Department may grant variances from these rules in individual cases when he/she finds that:
 - 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance; and
 - 3) The rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Illinois Athletic Trainers Practice Act
- 2) Code Citation: 68 Ill. Adm. Code 1160
- 3) Section Numbers:

<u>Adopted Action:</u>
1160.20 Amendment
1160.30 Amendment
1160.31 New Section
1160.35 New Section
1160.40 Amendment
1160.50 Amendment
1160.60 Amendment
1160.65 New Section
1160.80 Amendment
- 4) Statutory Authority: Illinois Athletic Trainers Practice Act [225 ILCS 5]
- 5) Effective Date of Amendments: January 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 26, 1996
- 9) Date Notice of Proposal Published in Illinois Register: November 3, 1995, at 19 Ill. Reg. 15161
- 10) Has JCAR issued a Statement of Objections to these Rules? No
- 11) Difference(s) between proposal and final version: The date by which all current athletic trainer registration holders shall be required to obtain new 2-year licenses will be May 31, 1996, instead of the proposed March 31, 1996.
Sponsors of continuing education for athletic trainers shall renew their licenses by May 31 of even-numbered years rather than by the proposed March 31 of every year.
Other changes involved style and punctuation.
- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Rules replace Emergency Rules currently in effect? No
- 14) Are there any Amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: Public Act 89-0216, the sunset rewrite of the Illinois Athletic Trainers Practice Act, became effective January 1, 1996. This rulemaking brings the rules up to date with the rewrite of that Act. Major changes include licensure of athletic trainers instead of registration, setting of fees by rule rather than by the Act, raising from 800 to 1500 the number of hours of training needed for licensure, and establishing continuing education requirements for renewal of a license beginning with the May 31, 1998 renewal.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Department of Professional Regulation
 Attention: Jean Courtney
 320 West Washington, 3rd Floor
 Springfield, Illinois 62786
 217/785-0800 Fax: 217/782-7645

The full text of the Adopted Amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENT(S)

TITLE 68: PROFESSIONS AND OCCUPATIONS
 CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
 SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1160

ILLINOIS ATHLETIC TRAINERS PRACTICE ACT

Section	Examination
1160.20	
1160.30	Application for Licensure Registration
1160.31	Approved Programs
1160.35	Fees
1160.40	Renewals
1160.40	Restoration
1160.50	Endorsement
1160.60	Continuing Education
1160.65	Annual Report of Board
1160.70	Granting Variances
1160.80	

AUTHORITY: Implementing the Illinois Athletic Trainers Practice Act [225 ILCS 5] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)].

SOURCE: Emergency Rule adopted at 10 Ill. Reg. 4759, effective March 12, 1986, for a maximum of 150 days; adopted at 10 Ill. Reg. 20731, effective December 1, 1986; amended at 11 Ill. Reg. 9939, effective May 12, 1987; transferred from Chapter I, 68 Ill. Adm. Code 160 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1160 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2935; amended at 20 Ill. Reg. 2408, effective JAN 26 1996.

Section 1160.20 Examination

- a) The examination for licensure registration shall be the certification examination for the National Athletic Trainers Association. The written portion of the examination shall cover the following subject areas:
- 1) Preparation
 - 2) Recognition and Evaluation
 - 3) Management/Treatment and Disposition
 - 4) Rehabilitation
 - 5) Organization and Administration
 - 6) Education and Counseling
- b) The oral and practical section of the examination includes the following subject areas:
- 1) Evaluation of athletic injuries
 - 2) Management and disposition of athletic injuries
 - 3) Recognition of specific injury conditions

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- 4) Emergency first aid procedures
 - 5) Rehabilitation techniques
 - 6) Bandaging and adhesive strapping techniques
- b) Candidates shall make application for the examination, and pay the examination fee, directly to the designated testing service.
- c) Unsuccessful candidates An unsuccessful candidate may retake the examination as many times as they wish he wishes. Retake application shall be made to the designated testing service.
- d) Application to the designated testing service for purposes of taking the examination shall not constitute application to the Department of Professional Regulation Department of Registration and Education (the Department) and shall not entitle an applicant to practice on a temporary basis under the provisions of Section 4(5) of the Act.
- f) To be eligible to practice temporarily pending examination in accordance with the provisions of Section 4(5) of the Illinois Athletic Trainers Practice Act (the Act) (Ill. Reg. 1985) and the Department of Professional Regulation Department of Registration and Education shall not entitle an applicant to practice on a temporary basis under the provisions of Section 4(5) of the Act.
- g) The examination shall cease temporary practice.

(Source: Amended at 20 Ill. Reg. 2408, effective JAN 26 1996.)

Section 1160.30 Application for Licensure Registration

- a) Any person seeking licensure registration as an athletic trainer shall file an application with the Department on forms provided by the Department. The application shall include the following:
- 1) Either:
 - A) Certification of graduation from an athletic training program approved in accordance with Section 1160.31 of this Part or a program approved by the Joint Review Committee on Athletic Training of the Committee on Accreditation of Allied Health Education Programs; or
 - B) Certification of:
 - i) Graduation from a regionally accredited baccalaureate degree from a college or university with a baccalaureate degree; and
 - ii) An official transcript showing successful completion of the required curriculum course-work specified in Section 9 of the Act; and
 - iii) Certification of clinical athletic training showing successful completion of a minimum of 1500 hours of clinical experience completed in not less than 2 academic years within a 5 calendar year period over a period of not less than two years; and
 - 2) Verification of successful completion of the

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examination set forth in Section 1160.20 which shall be received directly from the designated testing service; and

3) ~~The~~ Part 14 of the Act. the required fee specified in Section 1160.35(a) of this

- b) An applicant who applies to the Department in accordance with subsection (a) above is eligible to practice pending examination in accordance with the provisions of Section 4(5) of the Illinois Athletic Trainers Practice Act (the Act). An applicant may only practice for 3 months. If an applicant fails the examination, he/she shall cease practice immediately. Practicing after failure of an examination or beyond the 3 months shall be considered the unlicensed practice of athletic training.

(Source: Amended 20 Ill. Reg. 2408, effective
JAN 26 1996)

Section 1160.31 Approved Programs

- a) The Department, upon recommendation of the Illinois Board of Athletic Trainers (the Board), may approve athletic training programs that meet the requirements set forth in this Section. The institution:

1) Is legally recognized and authorized by the jurisdiction in which it is located to confer a baccalaureate degree or master's degree;

2) Has a faculty which comprises a sufficient number of full-time instructors to make certain that the educational obligations to the student are fulfilled. The faculty must have demonstrated competence as evidenced by appropriate degrees in their area(s) of teaching from professional colleges or institutions;

3) Has a designated program director;

4) Has a curriculum which shall include, but not be limited to, the following:

- A) Anatomy
- B) Physiology
- C) Physiology of Exercise
- D) Applied Anatomy and Kinesiology
- E) Psychology (2 courses)
- F) First Aid and Cardiopulmonary Resuscitation or Equivalent Training
- G) Nutrition
- H) Remedial Exercise or Therapeutic Exercise
- I) Personal, Community or School Health
- J) Techniques of Athletic Training (fundamentals)
- K) Advanced Techniques of Athletic Training (modalities, administration).

b) The Department or Board may require additional information in order to evaluate the program.

c) Approved programs may be reviewed at the discretion of the Department

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to ensure that requirements of this Section continue to be met.

d) In determining whether a program shall be approved, the Department shall take into consideration, but not be bound by, accreditation or approval by the Joint Review Committee on Athletic Training of the Accreditation of Allied Health Education Programs or its successor entity.

e) The Department has determined that all athletic training programs accredited or approved by the Joint Review Committee on Athletic Training of the Accreditation of Allied Health Education Programs as of January 1, 1996, meet the minimum criteria set forth in this Section and are, therefore, approved.

(Source: Added at 20 Ill. Reg. 2408, effective
JAN 26 1996)

Section 1160.35 Fees

The following fees shall be paid to the Department and are nonrefundable:

a) The fee for application for a license as an athletic trainer is \$200.

b) The fee for application for licensure of a person licensed as an athletic trainer in another jurisdiction is \$200.

c) The fee for renewal of an athletic trainer license is \$100 per year.

d) The fee for a sponsor of continuing education is \$500.

e) The fee for renewal as a sponsor of continuing education is \$125 per year.

f) The fee for restoration of a license other than from inactive status is \$20 plus payment of all lapsed renewal fees.

g) The fee for issuance of a duplicate license or for the issuance of a replacement license for a license that has been lost or destroyed is \$20.

h) The fee for the issuance of a license with a change of name or address other than during the renewal period is \$20. No fee is required for name and address changes on Department records when no duplicate license is replaced.

i) The fee for certification of a license for any purpose is \$20.

j) The fee for a wall certificate showing licensure is the actual cost of producing the license.

k) The fee for a roster of persons licensed under the Act is the actual cost of producing the roster.

(Source: JAN 26 1996, 20 Ill. Reg. 2408, effective

Section 1160.40 Renewals

a) All current registration holders shall be required to obtain a new 2-year athletic trainer license and pay the current renewal fee by May 31, 1996.

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- b) Each license certificate-of-registration issued under the Act shall expire on May 31 of even-numbered years the date specified on the face of the certificate. The holder of the license certificate may renew the license certificate during the month preceding the expiration date thereof by paying the required fee.
- c) It is the responsibility of each license certificate holder to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee.
- d) Practice on an expired license shall be considered the unlicensed practice of athletic training and subject to discipline or other penalties set forth in Section 16 of the Act.
- e) Beginning with the May 31, 1998, renewal and every renewal thereafter, a renewal applicant shall complete 40 hours of continuing education in accordance with Section 1160.65 of this Part.

(Source: Amended at 20 Ill. Reg. _____, effective _____, **2408** JAN 26 1996)

Section 1160.50 Restoration

- a) A person registrant seeking restoration of a license that his certificate-of-registration which has expired for less than 5 years shall have the license his certificate restored upon payment of \$20 plus all lapsed renewal fees as set forth in required by Section 1160.35(g) of this Part 14 of the Act. After May 31, 1998, a person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- b) A person registrant seeking restoration of a license that his certificate-of-registration which has been placed on inactive status for less than 5 years shall have the license his certificate restored upon payment of the current renewal fee as specified in by Section 1160.35(d) of this Part 11 of the Act. After May 31, 1998, a person seeking restoration of a license shall provide evidence of successful completion of 40 hours of continuing education in accordance with Section 1160.65 earned within the 2 years immediately preceding the restoration.
- c) A person registrant seeking restoration of a license his certificate of registration after it has expired or been placed on inactive status for more than 5 years shall file an application, on forms supplied by the Department, together with the fee(s) set forth in subsections (a) and (b) above required. The application registrant shall also include one of the following documents submit either:
- 1) Sworn evidence of active practice in another jurisdiction. Such evidence shall include a statement from the appropriate board or licensing authority in the other jurisdiction that the registrant

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- was authorized to practice during the term of said active practice; or
- 2) An affidavit attesting to military service as provided in Section 12 of the Act; or
- 3) Other evidence of continued active participation in athletic training for at least the last 2 years.

- A) Such evidence shall show that he/she he has been employed in a responsible capacity under the supervision of a licensed registered athletic trainer; or
- B) Been an officer or employee of the United States government as a practicing athletic trainer; or
- C) Been teaching athletic training in a college or university; or
- D) Has attended, during the 2 years preceding application for restoration athletic training educational programs conducted by an accredited college or university or a professional athletic training association or similar program approved by the Department upon recommendation of the Illinois Board of Athletic Trainers. After May 31, 1998 an applicant shall submit proof of 40 hours of continuing education in accordance with Section 1160.65 of this Part.

- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department, because of lack of information, discrepancies or conflicts in information given or a need for clarification discrepancies or conflicts in information; information needing further clarification; and/or missing information, the person registrant seeking restoration of a license shall be required to his certification of registration will be requested to:

- 1) Provide provide such information as may be necessary; and/or
- 2) explain such relevance or sufficiency during an oral interview or
- 2) 3) Appear appear for an additional oral interview(s) before the Board to explain such relevance or sufficiency, clarify information or clear up any discrepancies or conflicts in information. Upon recommendation of the Board and approval by the Department, an applicant shall have the license restored when the information available to the Board is insufficient to evaluate the individual's current competency to practice under the Act.

(Source: Amended 20 Ill. Reg. _____, effective _____, **2408** JAN 26 1996)

Section 1160.60 Endorsement

- a) An applicant seeking licensure registration in Illinois who is licensed/registered under the laws of another jurisdiction shall file

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an application with the Department, on forms provided by the Department, which includes ~~together-with-a-certification-from-the licensing-authority-of-the-jurisdiction-stating:~~

- 1) Certification of education;
- 2) Proof of successful completion of the examination set forth in Section 1160.20 of this Part;
- 3) Certification from the state or territory of the United States in which the applicant was originally licensed and the states in which the applicant is currently licensed, stating:
 - A) The time during which the applicant was licensed/registered in that jurisdiction;
 - B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending;
 - C) A brief description of the licensure examination taken and the scores received.

b) The Department may request additional information to determine if the requirements in the state or territory of original licensure were substantially equivalent to the requirements then in effect in Illinois or to determine whether the requirements of another state or territory together with education and professional experience qualifications of the applicant are substantially equivalent to the requirements in Illinois at the time of application.

c) The Department shall either issue a license by endorsement to the applicant or notify him/her of the reasons for the denial of the application.

b) ~~the applicant may be required to appear for an oral interview;~~
~~it to clarify or explain information contained in the submitted documentation;~~

2) ~~to determine the substantial equivalence of the applicant's qualifications to the registration requirements in this State;~~

(Source: Amended at 20 Ill. Reg. 2408 ~~III~~, effective
JAN 26 1996)

Section 1160.65 Continuing Education

- a) Continuing Education Hour Requirements
 - 1) Beginning with the May 31, 1998, renewal and for every renewal thereafter, renewal applicants shall complete 40 hours of Continuing Education (CE) relevant to the practice of athletic training during each pre-renewal period. The Department shall conduct audits to verify compliance with this Section. The pre-renewal period is the 24 months preceding the expiration date of the license.
 - 2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.
 - 3) Athletic trainers licensed in Illinois but residing and

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practicing in another state must comply with the CE requirements set forth in this Section.

b) Activities for which CE credit may be earned are as follows:

- 1) Verified attendance or participation in any continuing education course approved by the National Athletic Trainers' Association Board of Certification or the Illinois Athletic Trainers' Association.
- 2) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)(1) of this Section.
- 3) A maximum of 12 hours per pre-renewal period for:
 - A) Papers prepared or delivered before recognized athletic trainer organizations;
 - B) Papers published in nationally recognized athletic training journals;
 - C) Writing a chapter in a book about athletic training;
 - D) Self-study courses taken through an accredited college or university or an approved sponsor; and
 - E) Training taken via teleconferencing with a live moderator through an accredited college or university or an approved sponsor.

4) A licensee who serves as an instructor, speaker or discussion leader of a course given by an approved sponsor will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation.

Preparation time shall not be allowed for presentations of the same course. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any renewal period.

5) The continuing education hours used to satisfy the CE requirements for renewal of an athletic trainer license held in another jurisdiction shall be applied toward the CE requirements for renewal of an Illinois athletic trainer license.

6) Three (3) semester hours of course work relevant to athletic training completed at an accredited college or university. One semester of course work is equivalent to 15 hours of CE and one quarter of course work is equivalent to 10 hours of CE.

7) A CE hour equals 50 minutes. After completion of the initial CE hour, credit may be given in one-half hour increments.

c) CE Sponsors and Programs

1) Sponsor, as used in this Section, shall mean:

- A) The National Athletic Trainers' Association Board of Certification or the Illinois Athletic Trainers' Association;
- B) Any other school, college or university, State agency, or any other person, firm or association that has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.

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- 2) An entity seeking approval as a CE sponsor shall file an application, along with the required fee set forth in Section 1160.35(e) of this Part, which includes:

- A) Certification:
- i) That all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(5) below and all other criteria in this Section;
 - ii) That the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(7); and
 - iii) That upon request by the Department, the sponsor will submit such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance;

- B) A copy of a Certificate of Attendance or Participation which meets the requirements set forth in subsection (c)(7); and
- C) A sample of a CE course which includes, but is not limited to, course materials, books, instructor credentials.

- 3) Each sponsor shall submit by May 31 of even numbered years a renewal application along with the required renewal fee set forth in Section 1160.35(f) of this Part. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the past 2 years, which includes a description, location, date and time the course was offered.

- 4) State agencies, colleges and universities shall submit a sponsor application in accordance with subsections (c)(2) and (3) above; however, they shall be exempt from payment of the fee.

- 5) All courses and programs shall:

- A) Contain materials that contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of athletic training;
 - B) Specify the course objectives, course content and teaching methods to be used;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - E) Include some mechanism whereby participants evaluate the overall quality of the program.
- 6) All programs given by sponsors shall be open to all licensed athletic trainers and not be limited to the members of a single

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organization or group.

- 7) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:

- A) The name, address and license number of the sponsor;
- B) The name and license number of the participant;
- C) A brief statement of the subject matter;
- D) The number of clock hours actually attended in each program;
- E) The date and place of the program; and
- F) The signature of the sponsor.

- 8) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(7) above for not less than 5 years, except for the signature of the sponsor.
- 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.

- 10) The Department, upon recommendation of the Board, shall withdraw, suspend or place on probation the approval of a CE sponsor when, at any time, the quality of the CE fails to meet the established criteria as set forth in this Section or if the sponsorship approval was based upon false or deceptive information or if any other related license of the sponsor or instructor is suspended, revoked or otherwise disciplined.

- 11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.

- 12) The Department shall maintain a list of all approved continuing education sponsors.

- d) Continuing Education Earned in Other Jurisdictions. If a renewal applicant will be earning or has earned CE hours in another jurisdiction, the applicant is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the program using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.

e) Certification of Compliance with CE Requirements

- 1) Each renewal applicant shall certify, on the renewal application, full compliance with the CE requirements set forth in subsection (a), above.
- 2) The Department may require additional documentation in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of compliance. Such additional documentation

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will be required in the context of a Department audit.

- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board. At that time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/10-65].

- f) Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Department may restore the license upon payment of the required fee.

g) Waiver of CE Requirements

- 1) Any renewal applicant seeking renewal of a license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of these facts. The applicant may request an interview with the Board at the time of the waiver request. If the Department, upon the written recommendation of the Board, finds from the applicant's affidavit or any other evidence submitted that extreme hardship has been shown to substantiate granting of a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.

- 2) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.

- 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:

- A) Full-time service in the armed forces of the United States of America during a substantial part of the prerenewal period;
 B) An incapacitating illness, documented by a currently licensed physician;
 C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 D) Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).
- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this Section shall be deemed to be in good standing and may practice until the Department's final decision on the waiver has been made.

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(Source: Added at 20 Ill. Reg. 2408, effective

JAN 26 1996)

Section 1160.80 Granting Variances

- a) The Director may grant variances from this Part in individual cases where he/she ~~he~~ finds that:
- 1) The provision from which the variance is granted is not statutorily mandated;
 - 2) No party will be injured by the granting of the variance;
 - 3) The rule from which the variance is granted would in the particular case, be unreasonable or unnecessarily burdensome.
- b) The Director shall notify the Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: ~~JAN 26 1996~~ 20 Ill. Reg. 2408, effective

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- 1) Heading of the Part: Tanning Facilities Code
- 2) Code Citation: 77 Ill. Adm. Code 795
- 3) Section Numbers:
- | | |
|--------|------------------------|
| 795.30 | <u>Adopted Action:</u> |
| 795.60 | Amendment |
| 795.90 | Amendment |
- 4) Statutory Authority: Implementing and authorized by the Tanning Facility Permit Act [210 ILCS 145].
- 5) Effective Date of Amendments: February 1, 1996
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? No
- 8) Date Filed in Agency's Principal Office: February 1, 1996
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register: 19 Ill. Reg. 11444 - August 11, 1995
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No

- 11) Difference Between Proposal and Final Version: Add "except as provided in the definition of new facility" at the end of the definition of "expired facility".

In the definition of "new facility" change "60 days" to "90 days".

In addition, various technical, grammatical, and editorial changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes requested by the Joint Committee on Administrative Rules have been made.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Rulemaking:

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This rulemaking adds new definitions for "change of ownership", "existing facility", "new facility" and "expired facility". The rulemaking clarifies Department policy concerning permit fee requirements for expired facilities, stating that expired facilities that fail to pay a \$250.00 permit fee within ninety days of the expiration of their previous permit shall be held to all new facility requirements before the issuance of a new facility permit.

- 16) Information and Questions Regarding this Adopted Rulemaking Should be Directed to:

Gail M. DeVito
Division of Governmental Affairs
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217)782-6187

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"Existing facility" means a tanning facility that submitted an application for a permit to operate a tanning facility on or before March 8, 1993 and remains in operation with an unexpired tanning facility permit at the same location under the same ownership as listed in the original tanning facility permit application.

"Expired facility" means a previously permitted tanning facility that has not renewed its tanning facility permit on or before the expiration date of said permit except as provided in the definition of new facility.

"Extensively remodeled" means conversion of an existing structure for use as a tanning facility; structural additions or alterations to existing facilities; or changes, modifications or extensions of plumbing or electrical systems, excluding routine maintenance of such systems.

"Facility" means tanning facility.

"Fee" means the payment or exchange of goods, or anything of value, for the use of the tanning facility or facilities. (Section 5 of the Act);

"Individual" means any human being.

"Injury" means any circumstance or incident, resulting from the use of a tanning device, which prompts a consumer to seek medical attention.

"Inspection" means an official examination or observation which includes, but is not limited to, tests, surveys, and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the Department.

"Licensee" means the same as "permittee".

"New facility" includes any tanning facility that submitted an initial application for a tanning facility permit on or after March 9, 1993. Previously permitted facilities that have changed location or ownership are considered to be new facilities upon their relocation or change of ownership. Expired facilities that fail to renew their tanning facility permit within 90 days after the permit expiration shall be considered new facilities.

"Operator" means the trained person designated by the licensee for the facility to control the operation of a tanning facility in compliance with the Act and this Part and to assist and instruct the public in the correct operation of the tanning facility and its equipment. (Section 5 of the Act);

"Other compensation" means the payment or exchange of goods, or anything of value, for use of the tanning facility or facilities. (Section 5 of the Act);

"Permanent" means a minimum of five years for records related to an adult and a minimum of five years past emancipation for records related to a minor.

"Permit" means a permit issued by the Department in accordance with this Part.

"Permittee" means any person who is licensed by the Department in accordance with this Part.

"Person" means any individual, corporation, partnership, firm, association, society, trust, estate, public or private institution, group, agency, political subdivision of this State, any other State or political subdivision or agency thereof, and any legal successor, representative, agent, or agency of the foregoing.

"Photosensitizing agent" means any food, drug, cosmetic, toiletry or other substance, whether ingested or topically applied, which may induce hypersensitivity of an individual to exposure to the sun or other sources of ultraviolet radiation, resulting in inflammation of the skin and its underlying structures, often accompanied by edema.

"Protective eyewear" means eyewear that has been designed and tested in accordance with the provisions set forth in 21 CFR 1040.20. Such protective eyewear must have been determined to allow for the required protection to ultraviolet radiation while also allowing for adequate vision to maintain balance and location of the tanning equipment's 'emergency cut-off' switch.

"Radiation" means ultraviolet radiation.

"Radiation machine" means any device capable of producing radiation.

"Registrant" means any person who obtains a permit or other entitlement from the Agency, and who is obligated to obtain such permit or other entitlement from the Department pursuant to the Act and this Part.

"Registration" means registration with the Department in accordance with this Part.

"Tanning equipment" means sunlamp products and ultraviolet lamps intended to induce skin tanning through the irradiation of any part of the living body. (Section 5 of the Act) Tanning equipment includes,

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but is not limited to, protective eyewear, accurate timers, original equipment lamp type, protective barriers, handrails, warning labels, recommended exposure schedules, and recommended exposure distances. Tanning equipment shall be manufactured in accordance with 21 CFR 1040.20 (Section 5-of-the-Act).

"Tanning facility" or "tanning facilities" means a room or a booth or a group of rooms or booths, structure or business that houses ultraviolet lamps or products containing lamps intended for the irradiation of any part of the living body for cosmetic or nonmedical related purposes but does not include any hotel or motel guest rooms where sunlamps are installed in the restroom area. (Section 5 of the Act).

"Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between two hundred (200) nanometers and four hundred (400) nanometers.

2422

(Source: Amended at 20 Ill. Reg. _____, effective _____)

FEB 1 1996

Section 795.60 Application for Permit to Operate a Tanning Facility

a) Each person having a tanning facility in operation on the effective date of this Part shall apply to the Department for a permit to operate such facility within ninety (90) days following the effective date of this Part or, thereafter, prior to acquiring or establishing the operation of a tanning facility. Application for the permit shall be completed on forms prescribed by and available from the Department and shall contain all the information required by the form and any accompanying instructions. Unless otherwise stated, the term "application" as used herein shall include original and renewal applications.

b) In the event of a change of ownership, the new owner shall apply for a permit to operate a tanning facility prior to taking possession of the property. A provisional permit may be issued by the Department until an initial inspection for a permit can be performed by the Department or its designated agent.

c) The Department shall require at least the following information on the Application for Permit to Operate a Tanning Facility form:

- 1) name, physical address, mailing address and telephone number(s) of the following:
 - A) the tanning facility;
 - B) the applicant (owner(s)) of the tanning facility;
- 2) the manufacturer, model number, serial number, year and month of manufacture, and type of each ultraviolet lamp or piece of tanning equipment located within the facility;
- 3) the primary function of the business in which the tanning

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facility is located;

4) the geographic areas within the State to be covered, if the facility is mobile;

5) copies of any posted warnings or other notices which are not required by this Part and which address the safe or proper use of tanning equipment and protective devices;

6) copies of consent forms and statements which consumers, parents or guardians will be required to sign pursuant to this Part;

7) names and addresses of the tanning equipment supplier(s), installer(s), and service agent(s);

8) a copy of the operating procedures to be used in the tanning facility;

9) the hours of operation of the tanning facility;

10) the name of the on-site manager of the tanning facility;

11) a signed and dated certification that the applicant has received, read and understood the requirements of this Part.

d) Each applicant shall provide such additional information as the Department may reasonably require.

e) Each initial application shall be submitted with a nonrefundable \$250 fee.

f) Each annual renewal application shall be submitted with a nonrefundable \$150 fee, except that each expired facility shall pay a nonrefundable \$250 fee for renewal of the permit.

g) If the owner owns or operates more than one tanning facility, the owner shall file a separate application and submit a separate fee for each facility owned and operated.

h) Expired facilities that fail to pay a nonrefundable \$250 permit renewal fee within 90 days after the permit expiration shall submit a new permit application and comply with requirements for new facilities in order to receive a tanning facility permit.

(Source: Amended at 20 Ill. Reg. _____, effective _____)

2422

FEB 1 1996

Section 795.90 Renewal of Permit to Operate a Tanning Facility

a) Application for renewal of a permit shall be filed in accordance with Section 795.60.

b) In order to renew a permit, a permittee shall file a complete application for renewal with the Department not less than thirty (30) days prior to the expiration of his/her permit, whereupon the permittee's existing permit shall not expire until the renewal application status has been finally determined by the Department.

c) The Department may refuse to renew the permit of any owner or operator who has been found to be in violation of the Act or this Part for the safe operation of tanning facilities.

d) Each tanning facility shall be inspected at least once each year after the initial year in which the facility was granted a permit.

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- e) Each tanning facility which fails to submit an application for renewal of its permit to operate a tanning facility prior to the expiration of the permit shall pay a nonrefundable \$250 fee for the renewal of the permit.
- f) Any facility that fails to submit a complete renewal application and fee as required in this Part shall be deemed to be operating without a permit and shall be subject to prosecution therefor.
- g) A facility subject to prosecution pursuant to subsection (f) of this Section may continue operation upon submission by the facility owner of a new, fully completed permit application in accordance with Section 795.60(c), (d) and (e), including a nonrefundable \$250 fee, and correction, to the satisfaction of the Department, of every deficiency found by the Department and its agents in the most recent inspection. Permits issued pursuant to such application shall expire one year from the expiration date of the previously issued permit.

(Source: Amended at 20 Ill. Reg. **2422**, effective FEB 1 1996)

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- 1) Heading of the Part: Private Sewage Disposal Code
- 2) Code Citation: 77 Ill. Adm. Code 905

3) Section Numbers:

905.10 Adopted Action:

905.15 Amendment

905.20 Amendment

905.30 Amendment

905.40 Amendment

905.50 Amendment

905.55 New Section

905.60 Amendment

905.70 Amendment

905.80 Amendment

905.90 Amendment

905.100 Amendment

905.110 Amendment

905.120 Amendment

905.125 New Section

905.130 Amendment

905.140 Amendment

905.150 Amendment

905.160 Amendment

905.170 Amendment

905.180 Amendment

905.190 Amendment

905.200 Amendment

905.210 Repealed

APPENDIX A

ILLUSTRATION A

Amendment

ILLUSTRATION C

Amendment

ILLUSTRATION D

Amendment

ILLUSTRATION E

Amendment

EXHIBIT A

Amendment

EXHIBIT B

Amendment

EXHIBIT C

New Section

ILLUSTRATION F

Amendment

ILLUSTRATION G

Amendment

ILLUSTRATION H

Amendment

EXHIBIT A

Amendment

EXHIBIT B

Amendment

ILLUSTRATION I

Amendment

EXHIBIT A

Amendment

EXHIBIT C

Amendment

EXHIBIT D

Amendment

ILLUSTRATION J

Amendment

EXHIBIT A

Amendment

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EXHIBIT B Amendment
EXHIBIT C Amendment
EXHIBIT D Amendment
EXHIBIT A Amendment
EXHIBIT B Amendment
EXHIBIT C Amendment
EXHIBIT D Amendment
EXHIBIT E Amendment
EXHIBIT F Amendment
EXHIBIT G Amendment
EXHIBIT H Amendment
ILLUSTRATION L Amendment
EXHIBIT A Amendment
EXHIBIT B Amendment
EXHIBIT C Amendment
ILLUSTRATION M Amendment
EXHIBIT A Repealed, New Section
EXHIBIT B Repealed, New Section
ILLUSTRATION N Amendment
EXHIBIT A Amendment
EXHIBIT B Amendment
EXHIBIT C Amendment
ILLUSTRATION O Amendment
EXHIBIT A Amendment
EXHIBIT B Amendment
ILLUSTRATION P Amendment
ILLUSTRATION Q Amendment
ILLUSTRATION R Amendment
EXHIBIT A Amendment
EXHIBIT B Amendment
EXHIBIT C New Section
ILLUSTRATION S Amendment
EXHIBIT B Amendment
ILLUSTRATION T Amendment
ILLUSTRATION U Amendment
EXHIBIT A Amendment
EXHIBIT B Amendment
ILLUSTRATION V Amendment
EXHIBIT A Amendment
EXHIBIT B Amendment
EXHIBIT C New Section
ILLUSTRATION W Amendment

- 4) Statutory Authority: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].
- 5) Effective Date of Amendments: March 15, 1996

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- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporation by Reference? Yes
- 8) Date Filed in Agency's Principal Office: March 15, 1996
- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: March 17, 1995; 19 Ill. Reg. 3299
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version:
- Section 905.10
- Add the following after the definition of "common collector":
- "component" means an integral part of a private sewage disposal system that is necessary for the satisfactory design, construction and operation of the system.
- Delete the definition of "effluent receiving trench".
- Section 905.20
- b) Type of Waste. A private sewage disposal system shall be designed to receive all waste ~~domestic--sewage~~ from the buildings served. No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Waste products, such as automotive grease, oils, solvents, and chemicals, shall not be discharged to a private sewage disposal system. These waste products shall be handled according to rules for the disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. Drains or fixtures receiving any product other than domestic sewage shall be discharged to a holding tank and not to a private sewage disposal system. ~~No automotive-grease-or-oil-or-toxic-wastes-or-any waste--other--than--domestic--waste--shall--be-discharged-to-a-private sewage-system.~~

Add the following new language to the end of 905.20(e): "If connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4" line), then a private sewage disposal system may be installed."

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Section 905.20(m) and (n) concerning experimental use permits are revised as follows:

m1) Experimental Use Permits. If a private sewage disposal system or component is of a new and/or innovative type and does not comply with the requirements of this Code, the homeowner, or private sewage contractor, or manufacturer may request an experimental use permit. Such a request shall be submitted in writing to the Illinois Department of Public Health, Division of Environmental Health ~~Division of Engineering at 535 West Jefferson Street, Springfield, Illinois 62761~~, prior to construction or installation, and shall meet the following requirements:

- 1) The request shall specify the type of proposed system or component to be used and be accompanied by plans, specifications, and engineering data to support the system's compliance with the general requirements under Section 905.20 and with the effluent criteria under Section 905.110 for surface discharges, if applicable.
- 2) Information (such as topographical or plat maps) regarding the location of each installation shall be provided to the Department.
- 3) The homeowner, private sewage disposal system installation contractor, and/or manufacturer shall provide the Department with proof that area is available for installation of an approved system should the experimental system fail.
- 4) The homeowner, private sewage disposal system installation contractor, and/or manufacturer shall guarantee in writing the replacement of the experimental system with an approved system if the experimental system fails to perform in accordance with any of the Sections of this Part, or with criteria established as a condition to approval of the system.
- 5) The private sewage disposal system installation contractor and/or the manufacturer shall notify the homeowner or the person obtaining the experimental use permit, of the aforementioned guarantee, and of the minimum standards of the Illinois Private Sewage Disposal Code which must be met, as determined through the process, described in subsections (n)(3) and (4) of this Section, for developing criteria to be used in the evaluation of the experimental system.
- 6) ~~The Department will issue an experimental permit for new systems designed and intended to discharge directly to the surface pursuant to Section 905.20(m), when the system has been approved~~

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~~by National Sanitation Foundation (NSF) in accordance with NSF-Criteria-C-9 (1983):~~ Upon receipt of the information required by this subsection, the Department will review the experimental system to determine the system's capability of being considered equal to or more stringent than applicable Sections in this Code, and will notify the applicant, in writing, of its decision to grant or deny the request for an experimental use permit. If approved, the Department will issue an "Experimental Use Permit" for each installation up to 30 installations in the State.

1m) Experimental Use Evaluation. ~~Upon receipt of the above information the Department will review the experimental system to determine the system's capability of being considered equal to or more stringent than applicable Sections in this Code, and will notify the applicant in writing of its decision to grant or deny the request. If approved, the Department will issue an "Experimental Use Permit" for each installation up to 30 installations in the State.~~

- 1) A minimum of ~~five~~ such 10 experimental installations shall be evaluated before an unconditional approval may be granted.
- 2) The experimental permit shall be valid for a ~~maximum~~ period of up to 2 two years, during which time the Department will evaluate the performance of the experimental system. At the end of the 2 two year evaluation period, the Department will make a determination as to whether the system's acceptability will be approved.
- 3) The Department, in consultation with the experimental use permit applicant, shall develop a test method for the experimental system that will include the following information:
 - A) purpose of the test;
 - B) length of the test;
 - C) analytical methods to be used;
 - D) wastewater characteristics;
 - E) loading requirements; and
 - F) test criteria, including, installation procedures, operating procedures, site evaluation criteria, control system criteria, start-up procedures, sampling procedures, and observation procedures.

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- 4) The Department, in consultation with the permit applicant, shall also develop performance requirements that will detail the criteria to be used to evaluate the product to determine its ability to become an approved private sewage disposal system. Such performance requirements shall include criteria, including but not limited to ponding in subsurface systems, to indicate when failure of the system is imminent.

- 5) The experimental system will be deemed unacceptable:

- A) when sewage erupts from the groundr for
 B) when effluent from the system does not meet the criteria of Section 905.110(d).
 C) when the experimental system does not comply with the requirements of subsections (3) and (4) of this Section.

- 6) If acceptable, the experimental system shall become an approved private sewage system. If found to be unacceptable, the experimental system shall not be approved for use as a private sewage disposal system and shall be replaced with an approved private sewage disposal system. The Department shall notify the applicant in writing of its final determination.

- 7) A homeowner, private sewage contractor, or manufacturer who's experimental system has been denied approval for use as a private sewage disposal system may request a hearing to appeal the Department's determination. The request shall be submitted in writing within 10 days after receipt of the Department's determination. The Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) shall apply to all proceedings conducted under this Section.

- 8) When an experimental system has been designated by the Department as an approved private sewage disposal system, the Department will amend this Part to include design, construction, operation and maintenance criteria for the newly approved system and will add the system to a list of approved systems maintained by the Department.

In Section 905.55(a)(2)(B) add the following new language after "engineer":

...or an employee of a local health department who has three years of experience in designing or approving private sewage disposal systems using soil classification information and six semester hours of soils related coursework, or an employee of a local health department with

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five years experience designing or approving private sewage disposal systems using soil classification and who has worked under the direct supervision of a soil classifier, licensed professional engineer or an employee of a local health department with the above listed experience and coursework...

Add the following new sentence at the end of Section 905.60(a)(9)(C)(iv): "Soils in Design Group II, when used for fill, shall not be required to settle for a period of at least 12 months."

In Section 905.110(a)(1) insert ", based on the 7 day, 10 year low flow rate" after "effluent" and before the period.

In Section 905.110(a)(1) insert "Discharges greater than 10 feet from the receiving body of water shall comply with subsections (a)(2) or (3) of this Section." after "water."

In Section 905.110(b) delete "property is subdivided" and insert in its place "a subdivision is platted".

The proposed Section 905.110(c) has been deleted and the following inserted in its place:

Where lots have been platted prior to the effective date of this Part, the applicant for plan approval or local authority approval may apply for a variance to this Section in accordance with the provisions of Section 905.20(1).

In Section 905.120(a)(1) delete "to or from an effluent receiving trench or bed" and insert in its place "to the ground surface".

Insert new subsection 905.190(e)(5): "5) Assuring compliance with all applicable codes that may apply to the system, including the National Electrical Code."

In addition, various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

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- 15) Summary and Purpose of Amendments: The Department proposed extensive amendments to the Private Sewage Disposal Code in December of 1993. The 1993 proposed amendments went through the required public comment and second notice periods, and a public hearing was held on the rulemaking. However, the rulemaking was never adopted and was eventually withdrawn in response to an objection issued by the Joint Committee on Administrative Rules. The Department's response to the objection also included an agreement to propose the rulemaking again, using the version that was submitted to JCAR for second notice. This rulemaking is identical to the version of the 1993 rulemaking that was submitted to JCAR for second notice. The attached proposed amendments reflect all changes made in response to comments and public hearing testimony received during the course of the 1993 rulemaking.

During the comment period and at the public hearing for the previous proposed amendments, the Department received numerous comments and suggestions regarding the rules. Many changes were made in response to these comments and the Department submitted to JCAR a version of the proposed amendments that incorporated all changes made in response to comments and public hearing testimony. In certain instances, a change suggested by a commenter was considered inappropriate for inclusion at second notice because the revision would result in a major substantive change to the rules without providing an opportunity for comment and discussion to all interested persons. The Department's response to such comments was that the suggestion would be considered for inclusion in a future rulemaking. Other suggestions were determined to require further discussion between the Department and industry or further study by the Department prior to inclusion in the Code. The Department responded to these suggestions with an agreement to consider the comments for inclusion in future amendments to the Code. Those suggestions that the Department agreed to consider in a future rulemaking are not addressed in this set of amendments, as this rulemaking was unforeseen at the time of the Department's response to comments on the previous rulemaking.

The subjects and issues involved in this rulemaking include the addition of new definitions for key terms to make the Code more understandable; the updating of incorporated standards; new requirements relating to the disposal of backwash water, hot tub waste water, and floor drain wastewater; deletion of the use of a seepage pit as a method of sewage disposal; a requirement for septic tank manufacturers to record information about the delivery of septic tanks; a requirement for seepage field laterals connected to a distribution box to be equal in length, if not looped; a provision allowing the use of a soil investigation as an alternative to a percolation test to size a subsurface seepage system; requirements for the use of fill material; a provision for the use of sand filters on non-residential property; a provision to require a septic tank prior to a waste stabilization pond; aerobic treatment plant sizing, design, and maintenance requirements; provisions relating to the use of

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surface discharges and the use of effluent receiving trenches; provisions concerning the use of pumps, pumping chambers and warning devices in repairing sewage systems; requirements for the construction of portable toilets; provisions regarding removal of automotive floor drain waste to a holding tank and proper disposal of such waste; revisions concerning sanitary dump stations; revisions to examination requirements for licensure under this Code; and revision and updating of various illustrations and exhibits.

- 16) Information and Questions Regarding these Adopted Amendments shall be directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761
(217)782-6187

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER I: WATER AND SEWAGE

SEPTIC TANK SUBSURFACE SEEPAGE FIELD

PART 905
PRIVATE SEWAGE DISPOSAL CODE

SEPTIC TANK SUBSURFACE SEEPAGE FIELD

Section	ILLUSTRATION I	Seepage Field Construction Standards
905.10	EXHIBIT A	Gravel System
905.15	EXHIBIT B	Size and Spacing - Gravel System
905.20	EXHIBIT C	Gravelless System
905.30	EXHIBIT D	Size and Spacing - Gravelless System
905.40	ILLUSTRATION J	Septic Tank Subsurface Seepage Field
905.50	EXHIBIT A	Plan View - Gravel System
905.60	EXHIBIT B	Section View - Gravel System
905.70	EXHIBIT C	Plan View - Gravelless System
905.80	EXHIBIT D	Section View - Gravelless System
905.90	ILLUSTRATION K	Serial Distribution
905.100	EXHIBIT A	Plan View #1 - Gravel System
905.110	EXHIBIT B	Section View #1 - Gravel System
905.120	EXHIBIT C	Plan View #2 - Gravel System
905.125	EXHIBIT D	Section View #2 - Gravel System
905.130	EXHIBIT E	Plan View #1 - Gravelless System
905.140	EXHIBIT F	Section View #1 - Gravelless System
905.150	EXHIBIT G	Plan View #2 - Gravelless System
905.160	EXHIBIT H	Section View #2 - Gravelless System
905.170	ILLUSTRATION L	Seepage Bed
905.180	EXHIBIT A	Plan View
905.190	EXHIBIT B	Side View
905.200	EXHIBIT C	End View
905.210	ILLUSTRATION M	Soil Suitability for On-Site Sewage Design
905.220	EXHIBIT A	Vertical-Well-Areas Loading Rates in Square Feet Per Bedroom and Gallons/Square Feet/Day
905.230	EXHIBIT B	Construction-Views Key for Determining Sewage Loading Rates (Gallons/Square Feet/Day)
905.240	ILLUSTRATION N	Buried Sand Filter
905.250	EXHIBIT A	Plan View
905.260	EXHIBIT B	Section View
905.270	EXHIBIT C	End View
905.280	ILLUSTRATION O	Recirculating Sand Filter System
905.290	EXHIBIT A	System Diagram
905.300	EXHIBIT B	Flow Splitter Detail
905.310	ILLUSTRATION P	Recirculating Sand Filter Sizing Chart
905.320	ILLUSTRATION Q	Recirculating Recirculation Tank Pump Control
905.330	ILLUSTRATION R	Waste Stabilization Pond
905.340	EXHIBIT A	Plan View
905.350	EXHIBIT B	Section View
905.360	EXHIBIT C	Waste Stabilization Pond Surface Area in Square Feet
905.370	ILLUSTRATION S	Chlorine Contact Tank
905.380	EXHIBIT A	Minimum Required Chlorine Contact Tank Volume
905.390	EXHIBIT B	Chlorine Feeder, Contact Tank, and Sampling Port
905.400	ILLUSTRATION T	Sanitary and Concrete Vault Privy
905.410	ILLUSTRATION U	Septic Privy Distribution System
905.420	EXHIBIT A	Plan View
905.430	EXHIBIT B	Section View

Section	ILLUSTRATION D	Location of Components of Private Sewage Disposal Systems
905.440	ILLUSTRATION E	Septic Tanks
905.450	EXHIBIT A	Septic Tank with Slip-In Baffles
905.460	EXHIBIT B	Septic Tank with T-Baffles
905.470	EXHIBIT C	Typical Gas Deflection Devices
905.480	ILLUSTRATION F	Minimum Volumes for Septic Tanks Serving Residential Units
905.490	ILLUSTRATION G	Instructions for Conducting Percolation Tests
905.500	ILLUSTRATION H	Subsurface Seepage System Size Determination
905.510	EXHIBIT A	Gravel System
905.520	EXHIBIT B	Gravelless System

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ILLUSTRATION V Sanitary Dump Station
 EXHIBIT A Section View #1
 EXHIBIT B Plan View
 EXHIBIT C Section View #2
 ILLUSTRATION W Swimming Pool Backwash Water Holding Tank
 ILLUSTRATION X Local Authorities (Repealed)
 APPENDIX B Telephone or Address Inquiries to the Regional Office

AUTHORITY: Implementing and authorized by the Private Sewage Disposal Licensing Act [225 ILCS 225].

SOURCE: Filed October 19, 1974, effective October 25, 1974; rules repealed, new rules adopted at 6 Ill. Reg. 3095, effective March 9, 1982; amended at 8 Ill. Reg. 8552, effective June 4, 1984; codified at 8 Ill. Reg. 19821; amended at 9 Ill. Reg. 20738, effective January 3, 1986; amended ~~at 11 Ill. Reg. 11054, effective July 1, 1986; amended at 20 Ill. Reg.~~ **2431** effective ~~July 1, 1986~~ **MAR 15 1986**.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 905.10 Definitions

In addition to the definitions contained in the Private Sewage Disposal Licensing Act (~~411-Rev-Stat-1983-CH-111-1/27-PARS-116-301-et-seq~~) [225 ILCS 225], the following definitions shall apply:

"Aerobic Treatment Plant" means equipment or devices for the treatment of sewage by the forced addition of air or oxygen.

"Ag. Experiment Station" means the University of Illinois Agricultural Experiment Station.

"Approved" or "Approval" means accepted by or acceptable to the Department or local authority.

"ASTM" means the American Society for Testing and Materials.

"Building Sewer" means that part of the horizontal piping of a drainage system which extends from the end of the building drain, receives the discharge of the building drain and conveys it to a public sewer, private sewer, individual sewage disposal system, or other point of disposal. The building sewer commences ~~five~~ 5 feet outside the building foundation wall.

"Common Collector" means an underground, enclosed conduit designed to carry treated sewage effluent exclusive of stormwater from 3 or fewer properties provided the combined treated sewage effluent is less than

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1500 gallons per day and has a surface discharge. An example of a common collector is a solid plastic pipe installed to carry treated sewage effluent from 2 or 3 discharging systems with a combined design flow of less than 1500 gallons per day. Examples of what is not a common collector are road ditches, field ditches, curbs and gutters, grassed waterways, concrete or other lined drainage ways.

"Component" means an integral part of a private sewage disposal system that is necessary for the satisfactory design, construction and operation of the system.

"Effective Size" means the size of screen opening where 90 percent by weight of a sample of filter media is retained on the screen and 10 percent passes through the screen.

"Gravelless Seepage System" means the use of approved perforated 8 inch or 10 inch diameter, filter wrapped, plastic pipe, in lieu of 4 inch pipe and gravel, in subsurface fields and serial distribution systems.

"Hot Tub" means an artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or recirculating device. These devices may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

"Limiting Layer" means a horizon or condition in the soil profile or underlying strata which includes:

A seasonal high water table, whether perched or regional, determined by direct observation of the water table or indicated by soil mottling where common mottles comprise at least 2% to 20% of the soil, in a progressive downward direction in the soil.

Masses of loose rock fragments, including gravel, with insufficient fine soil to fill the voids between the fragments.

Rock formation, other stratum or soil condition which is so slowly permeable that it effectively limits downward passage of effluent.

"Liquid Capacity" means the volume of a tank below the invert of the outlet line.

"Local Authority" means a local unit of government which enforces a private sewage disposal ordinance which has been approved by the Department; or a local health department which has been designated an agent of the State for conduct of the Private Sewage Disposal Program.

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"Non-Residential Property" means any property that is not residential property.

"NRCS" means the USDA Natural Resource Conservation Service.

"NSF" means the National Sanitation Foundation, an independent testing laboratory.

"Residential Property" means a single family home or multi-family unit intended for occupation as living quarters that is not used to conduct any business that generates wastewater or domestic sewage.

"Septage" means the solid and liquid wastes removed from private sewage disposal systems.

"Shall" means the stated provision is mandatory.

"Soil Boring" means an observation pit, dug by hand or backhoe, or an undisturbed soil core taken intact and undisturbed by a probe.

"Soil Classifier" means one of the following:

A certified soil classifier of the Illinois Soil Classifiers Association (ISCA) or a certified soil classifier with the American Registry of Certified Professionals in Agronomy, Crops and Soils (ARCPACS).

A person who is a full member or associate member of the Illinois Soil Classifiers Association (ISCA), provided that direct supervision is provided to this person by an ISCA or ARCPACS certified soil classifier who accompanies the person on at least 25% of the soil investigations and reviews and signs all of that person's soil investigation reports.

"Subsurface Seepage System" means a subsurface seepage field, seepage bed, seepage pit or an 8 inch x or 10 inch x gravel-less gravelless seepage bed system.

"Uniformity Coefficient" means a number obtained by dividing that size of sand in millimeters of which 60 percent by weight is smaller, by that size of sand in millimeters of which 10 percent by weight is smaller.

"Wastewater Source" means any equipment, facility, or other source of any type whatsoever that discharges wastewater, directly or indirectly, to the waters of the State.

"Water Table" means the upper limit of the portion of the soil which

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is completely saturated with water. The seasonal high water table is the highest level to which the soil is saturated, as may be indicated by mottling (soil color patterns).

Soil science terms used throughout the text of this Code are defined in the Glossary of Soil Science Terms (July 1987) unless otherwise defined.

(Source: Amended at 20 Ill. Reg. 2431, effective MAR 15 1996)

Section 905.15 Incorporated and Referenced Materials

a) The following federal and state regulations, standards, and statutes are incorporated or referenced in various sections of this part: The following standards of nationally recognized organizations and federal and State regulations are incorporated or referenced in this Part:

a) The following materials are incorporated by reference:

- 1) National Sanitation Foundation, Criteria C-9, Evaluation of Special Processes, Components, or Devices Used in Treating Wastewater (1989) (1990) and published by:

The National Sanitation Foundation
3475 Plymouth Road, P.O. Box 1468
Ann Arbor, Michigan 48106-

Referenced in Section 905.30

- 2) ANSI/NSF International National Sanitation Foundation, Standard Number 40, Individual Aerobic Wastewater Treatment Plants (July 1990) 1989 and published by:

NSF International The National Sanitation Foundation
3475 Plymouth Road, P.O. Box 1468
Ann Arbor, Michigan 48106-

Referenced in Section 905.100

- 3) National Sanitation Foundation, Standard Number 41, Wastewater Recycle/Reuse and Water Conservation Devices (1990) 1989 and published by:

The National Sanitation Foundation
3475 Plymouth Road, P.O. Box 1468
Ann Arbor, Michigan 48106-

Referenced in Section 905.130

- 4) Private Sewage Mound Code (77 Ill. Adm. Code 906) - Referenced in Section 905.96

A) Requirements for the Design of Wisconsin Mounds in Illinois (1983) Illinois Department of Public Health:

1) Part I of this Manual is taken from the material printed in the Design and Construction Manual for Wisconsin Mounds, September 1979:

2) Part II of this Manual is reprinted from the Design of Pressure Distribution Networks for Septic Tank Soil Absorption Systems, January 1981, University of

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Wisconsin:

- b) Parts i and ii are published by:
Small-Scale Water Management Project
University of Wisconsin
Madison-Wisconsin-53706-

4) 5) American Society for Testing and Materials (ASTM) required standards standard are listed under Section 905.110 and 905.170 of this Part illustration-8. List of approved plastic pipe for septic private sewage disposal system uses and standard standards may be obtained from:

American Society for Testing and Materials
1916 Race Street

Philadelphia, Pennsylvania PA: 19103

Referenced in Section 905.40, 905.60, 905.70

6) Illinois Plumbing Code-1983-(77-III--Adm--Code--898)--Illinois Department of Public Health-

Recreational--Area--Rules--(77-III--Adm--Code--888)--Illinois

Department of Public Health-

8) Rules of Practice and Procedure in Administrative Hearings--(77-III--Adm--Code--890)--Illinois Department of Public Health-

Standard Methods for Examination of Water and Wastewater
published by:

American Public Health Association

1015 8th Street

Washington, D.C. 20036

Referenced in Section 905.110

6) Glossary of Soil Science Terms (July 1987) published by:

The Soil Science Society of America

677 South Segoe Road

Madison, Wisconsin 53711

7) Title 40 of the Code of Federal Regulations, Standards for the Use or Disposal of Sewage Sludge (40 CFR 503)

Referenced in Section 905.170

8) National Electrical Code, 1993 Edition, published by:

National Fire Protection Association

Batterymarch Park

Quincy, Massachusetts 02269

Referenced in Section 905.20

b) The following materials are referenced in this Part:

1) Department of Public Health regulations

A) Private Sewage Mound Code (77 Ill. Adm. Code 906)

Referenced in Section 905.30

B) Illinois Plumbing Code (77 Ill. Adm. Code 890)

Referenced in Sections 905.140, 905.150 and Appendix

A: Illustration C of this Part

C) Recreational Area Code (77 Ill. Adm. Code 800)

Referenced in Section 905.150

D) Rules of Practice and Procedure in Administrative Hearings

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(77 Ill. Adm. Code 100)

2) Pollution Control Board regulations

A) Introduction (35 Ill. Adm. Code 301)

Referenced in Section 905.110

B) Permits (35 Ill. Adm. Code 309)

Referenced in Sections 905.110 and 905.170

C) Waste Disposal (35 Ill. Adm. Code Subtitle G)

Referenced in Sections 905.20 and 905.140

c) b) All incorporations by reference of federal regulations and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

d) e) All citations to federal regulations in this Part concern the specified regulation in the 1994 1986 Code of Federal Regulations, unless another date is specified.

e) d) All materials incorporated by reference are available for inspection and copying at the Department's Central Office, Division of Environmental Health, 535 525 West Jefferson, Springfield, Illinois 62761.

(Source: Amended at 20 Ill. Reg. 2431 1, effective

MAR 15 1996)

Section 905.20 General Requirements

a) Rate of Flow for Domestic Sewage. Each unit of the private sewage disposal system shall be designed to treat the volume of domestic sewage discharged to it. The volume of sewage flow shall be determined from Appendix A: Illustration A of this Part. For non-residential establishments, the Department will consider the use of actual flow volumes obtained from similar installations in lieu of the quantities contained in Appendix A: Illustration A of this Part, when the flow data is documented. Examples of the documentation that could be accepted would be actual measurements of the quantity of wastewater, or water use receipts. In the design of a private sewage disposal system, peak flows shall be designed for, and/or attenuated. When the sewage flow exceeds 1500 gallons per day, and there is a surface discharge, then approval shall be obtained from the Illinois Environmental Protection Agency.

b) Type of Waste. A private sewage disposal system shall be designed to receive all waste domestic--sewage from the buildings served. No cooling water, groundwater, discharge from roof drains, discharge from footing tile drains, swimming pool wastewater, or other clear water discharges shall be directed to the private sewage disposal system. Waste products such as automotive grease, oils, solvents, and chemicals shall not be discharged to a private sewage disposal system. These waste products shall be handled according to rules for the disposal of oil, gas and grease promulgated under the Environmental

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Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. Drains or fixtures receiving any product other than domestic sewage shall be discharged to a holding tank and not to a private sewage disposal system. ~~No automotive-grease--or--oil--or--toxic-wastes--or--any-waste-other-than domestic-waste--shall-be-discharged-to-a-private-sewage-system.~~

1) Backwash water from a water softener shall discharge to one of the following:

A) A septic tank followed by a seepage field, sand filter or waste stabilization pond.

B) A separate subsurface seepage system, provided the seepage field is designed to accommodate the flow from this device on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.

2) Hot tub wastewater. Wastewater generated by a hot tub or other similar device shall be discharged to one of the following:

A) A separate subsurface seepage system, provided the seepage field is designed to accommodate the liquid capacity of the hot tub on a daily basis. A septic tank is not required in front of a seepage field receiving flow from this device.

B) The seepage field serving the domestic wastewater flow, provided the seepage field is increased in size to accommodate the additional flow from the hot tub on a daily basis. This drainage shall be piped around the septic tank and directly into the seepage field.

c) Individual Service. The use of a private sewage system to serve more than one property is prohibited except where a common property is provided, under joint ownership of the users, or where the system is under public jurisdiction or managed by a district established for the maintenance of such systems.

d) Water and Sewer Line Separation. The following criteria shall govern the separation of water supply lines and sewer lines:

1) Horizontal Separation. Sewers shall be installed at least 10 feet horizontally from any existing or proposed water line. When local conditions prevent a lateral separation of 10 feet, a sewer may be laid closer than 10 feet to a water line provided that the elevation of the crown of the sewer is at least 18 inches below the invert of the water line.

2) Crossings. Where sewer lines must cross water lines, the sewer line shall be laid at such an elevation that the crown of the sewer line is at least 18 inches below the invert of the water line. This vertical separation shall be maintained for that portion of the sewer line located within 10 feet horizontally of any water line it crosses. When sewer lines must cross above water lines, the sewer lines shall be Schedule 40 or equivalent material and with water-tight watertight joints.

e) Sanitary Sewer. New or renovated private sewage disposal systems shall not be approved where a public sanitary sewer operated and

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maintained under permit of the Illinois Environmental Protection Agency is available for connection. A sanitary ~~public~~ sewer is available for connection when it is within 200 feet of a residential property or a non-residential property with a sewage flow less than 1500 gallons per day, or within 1000 feet of a non-residential property with a sewage flow greater than or equal to 1500 gallons per day ~~the property~~ unless a physical barrier or local ordinance exists which prevents connection to the sewer. If connection from the property to the sanitary sewer cannot be made with an individual line (i.e., 4" line), then a private sewage disposal system may be installed.

f) Acceptable Pipe Materials.

1) All piping located more than ~~five~~ 5 feet from the building foundation, used to convey wastewater to a private sewage disposal system, shall be considered a part of the private sewage disposal system and shall be watertight. This ~~All piping located from a point five feet from the building foundation to a point six feet beyond the septic tank for distribution box where used~~ shall be ductile iron, vitrified clay, ~~asbestos-cement~~ or plastic pipe. Only vitrified clay or plastic pipe shall be used from the septic tank and after the distribution box (where used). Perforated pipe or open-jointed tile shall be used only as provided in this Code.

2) Use of plastic pipe and fittings shall conform to the uses designated in Appendix A; ~~E~~ Illustration C of this Part.

3) Piping used to carry domestic sewage under areas such as driveways, roads, or parking areas shall be Schedule 40 equivalent or greater.

g) Pipe Size and Slope. All solid pipes carrying domestic sewage by gravity flow shall have ~~an~~ a nominal ~~inside~~ diameter of at least ~~four~~ 4 inches and a minimum slope of 12 inches per 100 feet. Solid header lines used for equal distribution shall be level.

h) Prohibited Discharges. There shall be no discharge of raw or improperly treated domestic sewage to the surface of the ground or to farm tiles, streams, rivers, ponds, lakes, or other collectors of water. Improperly treated domestic sewage is sewage that does not meet the effluent requirements of Section 905.110(b) or sewage which comes directly from a septic tank or building sewer. Domestic sewage or effluent from any private sewage disposal system or component shall not be discharged into any well, cistern, basement or into any underground mine, cave, sinkhole or tunnel.

i) Pipe Length. Building sewers in excess of 50 feet in length which carry wastewater from the buildings served to the septic tank, distribution box or aeration treatment plant shall be provided with at least one clean-out every 50 feet that terminates at grade.

j) Private Sewage Disposal System Development. The following factors shall govern the development of a private sewage disposal system:

1) Drainage. A private sewage disposal system shall not be located

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in areas where surface water will accumulate. Provisions shall be made to minimize flow of surface water over the private sewage system. Examples of such provisions would be the use of dikes, embankments, ditches or flow diverters.

- 2) Distances. The location of the various components of a private sewage disposal system shall comply with Appendix A: Illustration D of this Part.

- 3) Area Reserved for Sewage Disposal. The area to be used for a private sewage disposal system shall be selected and maintained so that it is free from encroachment by driveways, accessory buildings, swimming pools, parking areas, buried lawn sprinkling systems and underground utility services, patios, slabs, additions to the original structure or any other structure which limits free access to the system for maintenance, servicing or proper operation.

- 4) ~~Water--Tuber--Subsurface--seepage--systems--should--not--be constructed in areas where the groundwater table is within four feet of the bottom of the trench or the bed.~~

- 45) ~~Creviced Limestone Formations. A subsurface seepage system shall not be constructed in an area where there is less than four 4 feet of soil between the lowest point in a subsurface seepage system and the top of a creviced received limestone formation. In areas where creviced limestone is known to occur, a soil boring or backhoe excavation to a depth of at least four 4 feet below the bottom of the subsurface seepage system shall be made to verify that creviced limestone is not present.~~

- k) ~~Electrical Warning Devices. Any component of a private sewage disposal system which is electrically activated shall be provided with a visible and audible warning device placed within the building served. All electrical devices shall be wired in accordance with the National Electrical Code or a municipal, county, or local electrical code, whichever is more stringent.~~

- l) ~~Variances. If conditions exist at a proposed installation which make impractical or impossible compliance with the requirements of this Part, a variance may be requested by submitting to the Illinois Department of Public Health, Division of Environmental Health Division of Engineering--and--Sanitation--at--535--West--Jefferson--Street, Springfield, Illinois 62761, or appropriate local authority a written proposal which is to be used in lieu of compliance with this Part. Such written request shall include pertinent data such as soil conditions, water table elevations, drainage patterns and distances to water supplies in order to support the request. The capability of the system to comply with the intent of this Part will be the basis for approval or denial of the variances. The Department or local authority will notify the applicant in writing of its decision to either grant or deny the variance. A variance shall be requested and approved before construction begins.~~

- m) ~~Experimental Use Permits. If a private sewage disposal system or~~

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component is of a new and/or innovative type and does not comply with the requirements of this Code, the homeowner or private sewage contractor or manufacturer may request an experimental use permit. Such a request shall be submitted in writing to the Illinois Department of Public Health, Division of Environmental Health Division of Engineering--at--535--West--Jefferson--Street--Springfield, Illinois 62761, prior to construction or installation, and shall meet the following requirements:

- 1) The request shall specify the type of proposed system or component to be used and be accompanied by plans, specifications, and engineering data to support the system's compliance with the general requirements under Section 905.20 and with the effluent criteria under Section 905.110 for surface discharges, if applicable.
- 2) Information (such as topographical or plat maps) regarding the location of each installation shall be provided to the Department.
- 3) The homeowner, private sewage disposal system installation contractor, and/or manufacturer shall provide the Department with proof that area is available for installation of an approved system should the experimental system fail.
- 4) The homeowner, private sewage disposal system installation contractor, and/or manufacturer shall guarantee in writing the replacement of the experimental system with an approved system if the experimental system fails to perform in accordance with any of the Sections of this Part, or with criteria established as a condition to approval of the system.
- 5) The private sewage disposal system installation contractor and/or the manufacturer shall notify the homeowner or the person obtaining the experimental use permit, of the aforementioned guarantee, and of the minimum standards of the Illinois Private Sewage Disposal Code which must be met, as determined through the process described in subsections (n)(3) and (4) of this Section for developing criteria to be used in the evaluation of the experimental system.
- 6) Upon receipt of the information required by this subsection, the Department will review the experimental system to determine the system's capability of being considered equal to or more stringent than applicable Sections in this Code, and will notify the applicant, in writing, of its decision to grant or deny the request for an experimental use permit. If approved, the Department will issue an "Experimental Use Permit" for each installation, up to 30 installations in the State. The Department will issue an experimental permit for new systems designed and intended to discharge directly to the surface pursuant to Section 905.20(f)(7) when the system has been approved by National Sanitation Foundation (NSF) in accordance with NSF criteria (9-6-1983).

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sewage disposal system may request a hearing to appeal the Department's Determination. The request shall be submitted in writing within 10 days after receipt of the Department's Determination. The Department's Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) shall apply to all proceedings conducted under this Section.

- 8) When an experimental system has been designated by the Department as an approved private sewage disposal system, the Department will amend this Part to include design, construction, operation and maintenance criteria for the newly approved system and will add the system to a list of approved systems maintained by the Department. The system will be deemed unacceptable when sewage erupts from the ground or effluent from the system does not meet the criteria of Section 905.110(b). If acceptable, the experimental system shall become an approved private sewage system if found to be unacceptable, the experimental system shall not be approved for use as a private sewage disposal system and shall be replaced with an approved private sewage disposal system. The Department shall notify the applicant in writing of its final determination.

- 9) Garbage Grinders. When garbage grinders are used in residential property, solids shall be retained by one of the following methods:
- 1) A solids retention tank constructed in accordance with Section 905.40 shall be placed between the wastewater source and the septic tank to intercept solids from the garbage grinder. This tank shall receive waste from the garbage grinder(s) or the kitchen wastes only. No other fixtures shall discharge into this tank. The solids retention tank shall be at least 50% in liquid volume of the septic tank sized for the waste from the rest of the property, however, the minimum size tank to be used shall be 500 gallons.

- 2) A septic tank receiving all flows from the property sized in accordance with Appendix A: Illustration F of this Part.
- 3) Whenever an existing private sewage disposal system is repaired or replaced, that portion of the system being repaired or replaced shall comply with all the requirements of this Part.

(Source: Amended 5/5/96 20 Ill. Reg. 2431, effective

Section 905.30 Approved Private Sewage Disposal Systems

a) General:

- 1) The following systems are approved for private sewage disposal when designed, constructed, operated, and maintained in accordance with this Code:

1) Septic tank or Imhoff tank followed by:

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pm) Experimental Use Evaluation. Upon receipt of the above information, the Department will review the experimental system to determine the system's capability of being considered equal to or more stringent than applicable Sections in this Code, and will notify the applicant in writing of its decision to grant or deny the request. If approved, the Department will issue an Experimental Use Permit for each installation up to 50 installations in the State.

- 1) A minimum of 10 experimental five-such installations shall be evaluated before an unconditional approval may be granted.
- 2) The experimental permit shall be valid for a maximum period of up to 2 years, during which time the Department will evaluate the performance of the experimental system. At the end of the two 2 year evaluation period, the Department will make a determination as to whether the system will be approved system's acceptability.

- 3) The Department, in consultation with the experimental use permit applicant, shall develop a test method for the experimental system that will include the following information:

- A) purpose of the test;
- B) length of the test;
- C) analytical methods to be used;
- D) wastewater characteristics;
- E) loading requirements; and
- F) test criteria, including installation procedures, operating procedures, site evaluation criteria, control system criteria, start-up procedures, sampling procedures, and observation procedures.

- 4) The Department, in consultation with the permit applicant, shall develop performance requirements that will detail the criteria to be used to evaluate the product to determine its ability to become an approved private sewage disposal system. Such performance requirements shall include, but are not limited to, ponding in subsurface systems indicating that failure of the system is imminent.

- 5) The experimental system will be deemed unacceptable:

- A) when sewage erupts from the ground;
- B) when effluent from the system does not meet the criteria of Section 905.110(d); or
- C) when the experimental system does not comply with the requirements of subsections (3) and (4) of this Section.

- 6) If acceptable, the experimental system shall become an approved private sewage system. If found to be unacceptable, the experimental system shall not be approved for use as a private sewage disposal system and shall be replaced with an approved private sewage disposal system. The Department shall notify the applicant, in writing, of its determination.

- 7) A homeowner, private sewage contractor or manufacturer whose experimental system has been denied approval for use as a private

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- 4)A) Subsurface seepage field;
 4)B) Seepage bed;
 4)C) Seepage pit
 4)D) Sand filter (buried or recirculating);
 4)E) Waste stabilization pond; or
 4)F) 8 inch or 10 inch gravelless seepage system.
- 2)B) Aerobic treatment plant discharging to supplementary treatment or to the surface, as provided in Section 905.100 and 905.110.
- 3)B) Privies, chemical toilets, recirculating toilets, incinerator toilets, compost toilets.
- 4)B) Wisconsin-Mounds designed in accordance with the requirements of for the design--of--Wisconsin-Mounds--in--Illinois Private Sewage Mound Code--1993--Edition (77 Ill. Adm. Code 906).
- 5) Holding tanks installed in accordance with Section 905.140.
- 6)A) Any other system for which a variance in accordance with Section 905.204(1) has been issued or for which an experimental permit in accordance with Section 905.204(1)(m) has been issued.
- 2)B) All other systems or components are not approved.
- b) System--Approval--installation--of--systems--which--are--not--listed--in--Section--905.304(f)--and--which--are--designed--for--surface--discharge--will--only--be--allowed--when--such--systems--are--in--accordance--with--the--National Sanitation Foundation Standard--8-9--(1983).

(Source: Amended at 20 Ill. Reg. **2431**, effective

MAR 15 1996)

Section 905.40 Septic Tanks

- a) Septic Tank Approval. Manufacturers of prefabricated septic tanks shall submit ~~three~~ 3 sets of plans for each size and configuration of septic tank to the Department for approval. Such plans shall be drawn to scale and show all dimensions, baffles, tees, cleanouts, and material specifications. A written approval for each size tank shall be provided by the Department when the plans are found to conform to the requirements of this Code.
- 1) The Department shall issue an approval number to each manufacturer for each series of approved septic tanks, and shall maintain a listing of the approved manufacturers and approved septic tank series.
- 2) No prefabricated septic tank shall be sold, offered for sale, or installed other than those which have been approved by the Department. The tank shall bear the manufacturer's approval number and the liquid capacity of the tank, in gallons, prominently displayed on the outside end wall of the tank above, or next to, the outlet pipe so that this information is readily visible after installation and prior to covering. The Illinois Department of Public Health approval number shall not be used on

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- any tank other than the septic tank for which it is has been issued.
- 3) All persons who manufacture, sell, offer for sale or deliver septic tanks or aerobic treatment plants in or into the State of Illinois shall record the following information about each septic tank or aerobic treatment plant sold or delivered. This information shall be available for inspection by the Department or local authority upon request.
- A) Name of purchaser and/or property owner (if different);
 B) Location of delivery (county and address, legal description or driving directions);
 C) Date of sale and delivery; and
 D) Size of septic tank or model of aerobic unit.
- b) Septic Tank Construction. Septic tanks shall be designed and constructed in accordance with the following: (Appendix A: Illustration E of this Part is an illustration of these requirements)
- 1) A septic tank shall be watertight and constructed of sound and durable materials not subject to excessive corrosion, decay, frost damage, or cracking due to settling or back-filling backfilling.
- 2) Engineering Specifications.
- A) The tank shall support a top-dead load of not less than 500 pounds per square foot, and concrete tanks shall have a minimum 28-day compressive strength of 3000 pounds per square inch (psi).
- B) Tanks must be designed and constructed so that they will not collapse or rupture when subjected to anticipated earth and hydrostatic pressures when the tanks are either full or empty. The manufacturer, design engineer, and/or structural engineer shall certify in writing to the Department that the tank is designed and constructed to meet the load requirements of this Part. If additional loading is anticipated, the tank shall be strengthened to accommodate the additional loading.
- 3) Materials. Septic tanks shall be constructed of the following approved materials:
- A) Poured-in-place reinforced concrete.
 B) Precast reinforced concrete.
 C) Concrete block, provided that the core is filled with concrete and reinforcing rods are inserted in the core prior to pouring.
 D) Reinforced plastic.
 E) Reinforced fiberglass.
 F) Thermoplastic.
- 4) Depth. The minimum liquid depth of the tank shall be 42 inches, and the maximum liquid depth shall be 72 inches.
- 5) Inlet and Outlet Connections.
- A) The invert elevation of the inlet shall be at least two 2

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outlet orifices. Outlet baffles shall extend to a depth of at least 40 percent of the liquid depth. There shall be a clearance of at least one inch of free space between the top of the tank and the baffles. Slip-in type baffles shall extend the full width of the tank. The sides of any or semi-circular type baffles shall fit tightly against the end wall of the tank. Venting shall be provided through all baffles. Submerged pipe T-branches or sanitary tees may be used at inlets and outlets in lieu of baffles, provided all of the above stated distances and depths are maintained.

7) Access. Access shall be provided over the inlet and outlet of the tank to facilitate inspection and cleaning. The manhole or access opening shall have a fitted lid with a minimum dimension of 12 inches (width or diameter). Risers shall be watertight and constructed of a durable material. If the top of the tank is greater than 12 inches below the ground surface, a riser with a minimum dimension of 12 inches (width or diameter) shall be provided to bring access over the inlet and outlet to within 12 inches of the ground surface. The joint between the septic tank and the riser(s) shall be watertight. A manhole or access port extension collar or riser with a minimum dimension (width or diameter) of 12 inches shall be provided by the private sewage disposal contractor to bring access to the tank to within twelve inches of the ground surface. If a 2 compartment tank is used, the opening over the wall between the compartments shall have access provided within 12 inches of the ground surface.

c) Capacity.
1) Septic tanks for individual residences shall be sized in accordance with Appendix A; Illustration F of this Part. Septic tanks for any establishment other than residential property units shall be sized in accordance with the estimated flow provided in Appendix A; Illustration A of this Part and as follows:

2) The volume below the liquid level for flows up to 500 gallons per day shall be at least 750 gallons. For flows greater than 500 gallons per day and less than 1500 gallons per day, the volume shall be equal to at least one and one-half times the estimated daily sewage flow. For flows greater than 1500 gallons per day but less than 14,500 gallons per day, the volume shall be 1725 gallons plus 75 percent of the daily sewage flow. For flows in excess of 14,500 gallons per day, the Department or local authority shall be consulted in order to assure that problems do not exist in the disposal of large flows and to determine whether or not the system would be regulated by Illinois Environmental Protection Agency Regulations. When the total flow exceeds 1,350 gallons per day, two 2 or more tanks in series, or a multi-compartment tank, shall be installed.

d) Multiple Tanks or Compartments. When multiple compartment septic

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inches above the liquid level in the tank.
B) The inlet and outlet openings of the septic tank shall be provided with cast-in watertight openings.

6) Baffles. Septic tank baffles shall meet the following requirements:

A) Inlet baffles shall be provided and shall extend at least 6 inches below the surface of the liquid.

B) Inlet baffles shall be located no farther than 12 inches from the inlet orifice.

C) Inlet and outlet baffles shall have a clearance of at least one inch but not greater than 3 inches of free space between the underside of the tank lid and the baffles.

D) Outlet baffles shall be provided and shall extend to a depth of 40% of the liquid depth.

E) Outlet baffles shall be located no farther than 6 inches from the outlet end wall.

F) Slip-in baffles shall extend the full width of the tank.

G) The sides of "v" or semi-circular type baffles shall fit tightly against the end wall of the tank.

H) Venting shall be provided through all baffles and a free vent area equal to the cross-sectional area of the house sewer shall be provided.

I) Submerged pipe T-branches or sanitary tees may be used at the inlets and outlets in lieu of baffles, provided all of the above stated distances and depths are maintained.

J) Submerged pipe T-branches or sanitary tees used as inlet baffles shall be 6 inches in diameter or larger. Outlet baffles shall be 4 inches in diameter.

K) Submerged pipe T-branches or sanitary tees shall meet the requirements of ASTM 2661, ASTM 2665 or ASTM 3034, ASTM 3033, or ASTM 2751 provided the pipe does not have an SDR (Standard Dimension Ratio) number greater than 35.

L) When submerged pipe T-branches or sanitary tees are used as baffles, it shall be the responsibility of the septic tank manufacturer to assure proper location of components during initial installation.

M) When a single compartment septic tank is manufactured or used, a gas deflection baffle shall be provided below the outlet baffle of the tank configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material not subject to corrosion or decay. (Appendix A: Illustration E, Exhibit C of this Part is an illustration)

6+ Baffles. Inlet baffles shall be provided and shall extend at least six inches below the surface of the liquid and to within at least three inches of the tank lid. Outlet baffles shall be provided and shall be located no farther than six inches from the

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tanks or multiple septic tanks in series are used, the capacity of the first compartment or tank shall be one-half to two-thirds of the total required capacity. Two compartment tanks shall also comply with the following:

- 1) The wall separating the first and second compartments shall be tight-fitting and designed to handle the differential in pressure if one side is pumped.
- 2) The wall separating the compartments shall extend to within 3 inches of the tank lid and shall have a free vent area equal to the cross-sectional area of the house sewer.
- 3) The center of the opening between compartments shall be in line with the center of the inlet and outlet openings.
- 4) The depth to the invert of the opening between compartments shall be 40% of the liquid depth.
- 5) A gas deflection baffle shall be provided below the outlet baffle of the tank configured to deflect rising gas bubbles away from the outlet structure and toward the interior of the tank. This baffle shall be constructed of a durable material not subject to corrosion or decay.
- 6) An access opening at least 18 inches in minimum dimension shall be provided over the wall separating the 2 compartments.

e) Septic Tank Installation.

- 1) The septic tank shall be set level and backfilled to prevent floatation or drifting of the tank. Level shall mean plus or minus one-half inch in any direction (length or width or diameter of the tank). ~~Septic tank installation--the contractor shall fill the septic tank with water immediately after being set in the proper position and back--fitted--to--prevent--floatation--or drifting--unless the tank is being installed in dry soil.~~
- 2) If the inlet, outlet or access openings are to be set at or below the seasonal high water table, all openings in the tank shall be made watertight using mastic, tar, silicone caulk, etc.
- 3) There shall be no connections such as joints, splices, or fittings within the area of overdig around the septic tank.
- f) Abandoned Treatment Units ~~Septic Tanks~~. Septic tanks, cesspools, pit privies, aerobic treatment plants and seepage pits which are no longer in use shall be completely pumped. The floor and walls shall be cracked or crumbled so the tank will not hold water and the tank shall be filled with sand or soil. If the tank is removed from the ground the excavation shall be filled with soil.

(Source: Amended 15 1996 20 Ill. Reg. effective **2431**)

Section 905.50 Distribution Boxes

- a) General. Distribution boxes may be installed between a septic tank or aerobic treatment plant and a subsurface seepage system or buried sand

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filter. If a distribution box is used, it shall be installed level on unexcavated earth, and shall provide equal distribution of flow to the subsequent disposal system.

- b) Connecting Pipe. The pipe connecting the septic tank to the distribution box and the pipe connecting the distribution box to the disposal system shall be watertight.
- c) Construction. Distribution boxes shall be constructed of a durable watertight, non-corrosive material. They shall be designed to accommodate the necessary distribution lines.
- d) Access. Distribution boxes shall be provided with an opening which will serve as a ready access for inspection, cleaning, and general maintenance.
- e) There shall be no connection such as joints, splices or fittings within the area of the overdig around the distribution box.

(Source: Amended at 20 Ill. Reg. **2431** effective **MAR 15 1996**)

Section 905.55 Subsurface Seepage System Design Requirements

When designing a subsurface seepage system the absorption capacity of the soil shall be determined by subsection (a) or (b) of this Section as follows:

a) Soil Investigation.

- 1) Soil investigations shall be conducted in the following manner:
 - A) Determination of soil characteristics on sites proposed for development with private sewage disposal systems shall be based on soil boring data collected by a soil classifier or an Illinois licensed professional engineer.
 - B) There shall be a minimum of 3 borings per soil absorption system site. The soil borings shall be at least 50 feet apart, and the proposed subsurface seepage system shall be located within the area where the soil borings were located. More soil borings may be necessary for accurate and appropriate evaluation of a site where there is some concern about the consistency of the soil materials. One of the borings shall be made at the lowest elevation of the proposed absorption field area. Borings shall extend a minimum of 60 inches below the natural ground surface. An observation pit shall be used in gravelly materials.
 - C) Observation and determination of soil characteristics may be also determined from a pit dug by a backhoe or other excavating equipment. The Department or local authority may require soil pits (backhoe excavation) in cases where ground is frozen, where the soil materials are considerably varied in texture, where there has been previous or current fill material, cutting of soils, or where gravelly soils are encountered. Such soil pits shall be prepared at the perimeter of the expected soil absorption area to minimize

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damage to natural soil structure. Soil pits shall extend a minimum of 60 inches below the natural ground surface.

- D) Site characteristics to be described include zones of seasonal and permanent water saturation, U.S.D.A. soil textural changes, U.S.D.A. soil structural features, sloper compaction and depth, soil coloration, depth of limiting layer, depth of soil mottling (depth to low chroma equal to or less than 2 and a value of 4 or more - Munsell Color System), internal drainage classification, and permeability range, and other limiting soil characteristics that may reduce permeability.

- 2) The following persons are qualified to conduct soil investigations:

A) any person who meets the definition of soil classifier in Section 905.10;

B) a licensed professional engineer;

C) an employee of a local health department who has 3 years of experience in designing or approving private sewage disposal systems using soil classification information and 6 semester hours of soils related coursework;

D) an employee of a local health department with 5 years experience designing or approving private sewage disposal systems using soil classification information under the direct supervision of those persons listed in subsection (A), (B) or (C) of this subsection (a)(2).

A list of qualified persons will be available from the Department upon request.

- 3) If conflicting soils investigation information is provided about a given site, an NRCS soil scientist may be requested to provide professional information.

b) Percolation Tests.

1) Performance of Percolation Tests. At least 3 separate percolation tests, a minimum of 50 feet apart, shall be performed at the site of each proposed subsurface seepage system.

2) Procedure for Performing Percolation Tests. Percolation tests shall be performed in accordance with the procedure outlined in Appendix A: Illustration G of this Part. Alternate procedures for performing percolation tests may be submitted to the Department for review. If determined to be as stringent as that described in Appendix A: Illustration G of this Part, the alternate procedure shall be approved.

3) If soils information, permits for private sewage disposal systems in close proximity to the proposed site, direct observations or other information show conditions which will impact the design, construction, installation, modification or performance of the private sewage disposal system, the Department or local authority shall cause the determination of the seasonal high water table, fill, soil compaction, poor soil structure, high bulk density,

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dense unleached glacial till, fragipans, sodic horizons or other limiting soil characteristics that may reduce permeability of impact on design, construction or location of a subsurface seepage system.

(Source: Added 20 Ill. Reg. 2431 ^{III}, effective MAR 15 1996)

Section 905.60 Subsurface Seepage System Construction Requirements

- a) Evaluation of Soil Characteristics. The absorption capacity of the soil shall be determined from the results of percolation tests. The area of a subsurface seepage system shall be sized based upon percolation tests (Appendix A: Illustrations G and H). Where allowed by a local authority with an approved Private Sewage Disposal Ordinance, soil classification information may be used in conjunction with or in lieu of percolation tests. Written percolation tests shall be available on the construction site.
- b) Performance of Percolation Tests. At least two separate percolation tests, a minimum of 50 feet apart, shall be performed at the site of each proposed subsurface seepage system. The private sewage contractor shall be responsible for the percolation test results, and the sewage system which is designed using those results. Acceptance of percolation test results from other sources does not relieve the contractor's responsibility.
- c) Procedure for Performing Percolation Tests. Percolation tests shall be performed in accordance with the procedure outlined in Appendix A: Illustration G of this Part (Department Circular 4-045B). Alternate procedures for performing percolation tests may be submitted to the Department for review. If determined to be as stringent as that described in Appendix A: Illustration G, they shall be approved.
- d) Construction. Subsurface seepage fields shall be designed and constructed in accordance with Appendix A: Illustrations H-1 and 3-1.
- e) Bedding Material. The bedding material which is free of mud, silt, or clay shall be clean gravel or clean stone with particle size ranging from 3/4 inch minimum to four inches maximum. The bedding material shall extend the full width of the trench and to a depth of at least six inches below the bottom of the distribution line. The bedding material shall extend at least two inches above the top of the distribution line. The bedding materials shall be covered by straw newspaper or untreated building paper or other previous and/or biodegradable material to support the backfill as the laying of the distribution line proceeds. Tar paper, plastic, or other impervious material shall not be used between the bedding material and the earth backfill. Eight and ten inch gravel less seepage systems may be bedded with material excavated to construct the system. The gravel less seepage system requires no straw newspaper or untreated building paper except as provided in Section 905.60(f).

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- 3) Eight or ten inch gravel less seepage beds shall comply with all requirements which apply to standard gravel trench systems as stated in Appendix A unless otherwise stated in the Code.
- 9) Serial Distribution: Serial distribution shall be used in areas where the slope of the terrain prohibits the installation of conventional subsurface seepage systems. The following criteria shall be used in the design and construction of a serial distribution system: (Appendix A--Illustration K)
- 1) The bottom of each trench and its distribution line shall be level.
 - 2) There shall be a minimum of 12 inches of earth backfill over the bedding material in the trenches.
 - 3) The trench shall follow the ground surface contours so that variation in trench depth will be minimized.
 - 4) There shall be a minimum of six feet of undisturbed earth between the septic tank and the nearest trench.
 - 5) Adjacent trenches shall be connected with a relief line or a drop box arranged so that each trench is completely filled to the full depth of the gravel or gravel less pipe before effluent flows to the succeeding trench.
 - 6) The relief lines connecting the trenches shall have watertight joints and direct connections to the distribution lines in adjacent trenches. Tight joint, up to 450 cfs of a drop box arrangement shall be used to connect adjacent trenches.
 - 7) Where the relief pipe trench connects with the higher trench, it shall not be deeper than the top of the gravel or gravel less pipe in the higher trench. Relief lines shall rest on undisturbed earth and the backfill shall be carefully tamped.
 - 8) The invert of the first relief line shall be at least six inches lower than the invert of the septic tank or aerobic treatment plant outlet. (See Appendix A--Illustration K)
 - 9) All other construction features of the serial distribution field shall comply with Subsections (a) through (g) of this Section.
- h) Seepage Beds: The total bottom area of the seepage bed shall be one and one-half times the area specified in Appendix A--Illustration H. Construction features shall conform to Subsections (a) through (f) of this Section. Distribution lines shall be spaced no farther than six feet center to center and shall be equally spaced. Lines adjacent to the bed sidewalls shall be three feet from the bed sidewall. (See Appendix A--Illustration B)
- i) Seepage Pits: Seepage pits are approved for disposal of septic tank or aerobic treatment plant effluent only where the following conditions exist:
- 1) The top four feet of soil is unsuitable for seepage fields or

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- f) Distribution lines: Distribution lines shall be constructed of materials as approved in Section 905.20(f). The lines shall be perforated or open joint type. Where open joint type is used, the tile sections shall be spaced not less than 1/4 inch nor more than 1/2 inch apart. Perforated piping (with the exception of 8" or 10" gravel less seepage beds) shall have 1/2 3/4 inch diameter openings on three to five inch centers with a minimum of two rows. The ends of the lines shall be looped except in serial distribution systems. In addition to Section 905.20(f), eight or ten inch gravel less seepage beds must comply with the following specifications:
- 1) The eight and ten inch I.B. corrugated polyethylene tubing shall meet the requirements of ASTM-P667-94 Standard Specification for Large Diameter Corrugated Polyethylene tubing with the following exceptions:
 - A) Perforations shall be uniformly spaced along the length of the tubing as follows: two (2) rows of holes 3/8 inch diameter for 8" tubing and 1/2 inch diameter for 10" tubing located 120 degrees apart along the bottom half of the tubing each 60 degrees up from the bottom centerline. These perforations shall be staggered so that there is only one hole in each corrugation.
 - B) The pipe or wrap shall be marked to indicate the top of the pipe.
 - 2) All gravel less drainfield pipe shall be encased at the point of manufacture with a spun bonded nylon filter wrap having the following characteristics:

Physical Properties	Minimum Value
Grab Strength lbs. (ASTM-D1682-64)	
-Reapproved 1975	
Machine Direction	19
Transverse Direction	11
Burst Strength psi. (ASTM-B3700-80a)	26
Air Permeability cfm per sq. ft. (ASTM-D737-75-Reapproved 1980)	500

Particle Size Distribution (ASTM-P-662-80)

Polyethylene particles in water and alcohol solution counter analysis single pass

Particle Size (Microns)	% Retained
70	80
60	60
50	56

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- beds---as---determined---by---percolation---tests---(appendix A---illustration-G)
- 2) There is sufficient depth of permeable soil below the top four feet to adequately absorb the design flow:
- 3) There shall be no water wells within 100 feet of the proposed seepage pit:
- 4) Neither the seasonal high water table nor fractured limestone are within 14 feet of the ground surface. Compliance with this requirement shall be determined by backhoe excavations or soil borings which are witnessed by the Department or local authority representative:
- 5) Construction Requirements:--Where seepage pits are to be used--the design--and construction shall conform to the following: (See Appendix A---illustration-M)
- 1) The maximum depth for any seepage pit is ten feet below the ground surface:
- 2) The required absorption area shall be determined from Appendix A-7 illustration-M. The percolation rate shall be the weighted average of the percolation rates of each soil layer penetrated. The weighted average shall be based on the proportionate depth of each soil layer penetrated. (See Appendix A-7 illustration-H-7 Notes 2 and 4)
- 3) The effective area of the seepage pit shall be the vertical wall area of the previous strata below the interior of the seepage pit:
- 4) Seepage pit walls shall be constructed of concrete block, brick or perforated concrete ring. Merca shall be used in the horizontal joints only. A minimum 12 inches space shall be provided between the pit walls and the excavation and this space shall be filled with clean coarse gravel:
- 5) The bottom one foot of the pit shall be filled with clean coarse gravel:
- 6) A four inch thick, reinforced concrete cover with a 24 inch diameter covered access opening shall be provided over the pit. Access to the pit shall not be deeper than six inches below the ground surface:
- 7) If multiple pits are used, they shall be installed in series and shall be separated by a minimum distance equal to three times the diameter of the largest pit:

a) Seepage Field Requirements - Gravel and Gravelless. Subsurface seepage fields shall be designed and constructed in accordance with Appendix A: Illustrations H, I, and J of this Part and the following:

1) All subsurface seepage systems using soils information for sizing shall use the soil suitability table in Appendix A: Illustration M of this Part to determine the size requirements of the subsurface seepage system. The least permeable soil profile between the top of the gravel or gravelless pipe and the limiting layer shall be used to determine the size of the subsurface

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- seepage system.
- 2) The bottom of the subsurface seepage field, each trench and its distribution line shall be level. Level for this Part shall mean plus or minus 1/2 inch in any direction over the entire area of the subsurface seepage system.
- 3) There shall be a minimum of 6 inches and a maximum of 24 inches of earth backfill over the bedding materials or gravelless pipe.
- 4) There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.
- 5) If precipitation falls onto the excavation and evidence of soil washing into the excavation of the subsurface seepage system exists, that portion of the seepage system damaged shall be reconstructed to conform with this Section.
- 6) The top of the gravel or gravelless pipe in the subsurface seepage field shall be at least one inch below the invert of the outlet pipe from the septic tank or distribution box in a gravity flow system.
- 7) Site Evaluation for Subsurface Seepage Systems. Subsurface seepage systems receiving septic tank effluent should have at least 2 feet of vertical separation distance between the bottom of the subsurface seepage system and the top of the limiting layer. For soils in Design Group I-VI or with a loading rate of greater than .62 gallons per day per square foot, there should be a vertical separation of 3 feet between the bottom of the subsurface seepage system and the top of the limiting layer.
- 8) Sizing of a seepage system in fill soil.
- A) The least permeable soil profile between the top of the gravel or gravelless pipe and the limiting layer shall be used to determine the size of the subsurface seepage system.
- B) The use of fill for installing subsurface seepage systems shall not be approved for lots platted after March 15, 1996.
- C) Fill soils may be used to cover a private sewage disposal system provided no part of the system is located in the fill and the fill material is at least equal to or better than the original soil or meets the requirements in subsection (a)(9) of this Section.
- 9) Soil criteria for use of fill for subsurface seepage systems.
- A) Soils to be utilized for fill shall be identified by a soil classifier or licensed professional engineer and a report submitted to the Department or local authority. The report shall contain specific information on the fill soils including location, depth, permeability, and texture. Soils that can be used as fill are those identified in Appendix A: Illustration M of this Part as 2A, 2K, 3A, 3B, 3C, 3K, 3L, 4B and 4K (Design Group II, III and IV).
- B) In addition to the above requirements, fill soil shall not contain extraneous material such as tires, concrete, brick, reinforcing bar, demolition material, etc.

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- C) All of the following conditions shall be met for a subsurface seepage system to be installed in fill.
- Satisfactory original soil shall be at least 3 feet above bedrock.
 - A maximum of 2 feet of fill soil shall be used.
 - Fill shall not be placed on original soil with a slope greater than 10%.
 - The fill shall be placed at the site so that a minimum of compaction occurs and the fill shall be allowed to settle undisturbed for a period of at least 12 months. Soils in Design Group II, when used for fill, shall not be required to settle for a period of at least 12 months.
 - After the fill has been settled, a percolation test shall be conducted in accordance with the procedure outlined in Appendix A: Illustration G of this Part and a percolation rate of not greater than 270 minutes/6 inch fall or less than 60 minutes/6 inch fall shall be achieved.

10) Site Preparation for use of fill soil.

- Excess vegetation shall be cut and removed. The site shall be plowed with a mold board plow 7 to 8 inches deep with the plowing done perpendicular to the slope. It shall not be done with the furrow running up and down the slope. Chisel plowing may be used in place of mold board. Roto-tilling is prohibited.
 - Once the site is plowed, all traffic must be kept off the site. The fill material can be deposited on the top with a backhoe or pushed on from the side, preferably the upslope side, using a track type tractor, keeping 6 inches of fill beneath the tracks. At no time shall ruts be made in the plowed area. The fill shall be placed immediately after site preparation to avoid the possibility of precipitation falling on the plowed area.
 - Traffic on the downslope side of the fill area shall be minimal to reduce compaction. All work shall be performed from the ends and upslope side. Compaction of the natural soil downslope will reduce the lateral movement of the effluent.
 - The fill shall not be placed on frozen ground or when the soil is wet. Moisture content of the soil is very important when filling. Site preparation shall not take place when the soil is too wet. To check moisture content, take a soil sample from the plow layer (7 to 8 inches) and roll it between the palms of the hands. If it rolls into a ribbon, it is too wet to prepare. If it crumbles, site preparation can then proceed.
- b) Gravel Seepage Field Requirements.

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- Bedding Material. The bedding material shall be clean gravel or clean stone which is free of mud, silt, or clay, with particle size ranging from 3/4 inch minimum to 4 inches maximum. The bedding material shall extend the full width of the trench and to a depth of at least 6 inches below the bottom of the distribution line. The bedding material shall extend at least 2 inches above the top of the distribution line.
- Distribution Lines. Distribution lines shall be constructed of materials as approved in Section 905.20(f). The lines shall be perforated or open-joint tile. Where open joint tile is used, the tile sections shall be spaced not less than 1/4 inch or more than 1/2 inch apart. Perforated piping with the exception of 8 inch or 10 inch gravelless seepage beds shall have 1/2 to 3/4 inch diameter openings on 3 to 5 inch centers with a minimum of 2 rows. The openings in the pipe shall be placed downward.
- Separation Material. Bedding materials shall be covered by straw, newspaper, untreated building paper, geotextile fabric or other permeable or biodegradable material to support the backfill as the laying of the distribution line proceeds. Tar paper, plastic, or other impervious material shall not be used between the bedding material and the earth backfill.
- The ends of a gravel seepage field shall be looped except in serial distribution systems.
- Gravelless Seepage Field Requirements. In addition to Section 905.20(f), 8 or 10 inch gravelless seepage systems shall comply with the following specifications:
 - 8 and 10 inch I.D. corrugated polyethylene tubing shall meet the requirements of ASTM F667-84, Standard Specification for Large Diameter Corrugated Polyethylene Tubing with the following exceptions:
 - Perforations shall be uniformly spaced along the length of the tubing as follows: 2 rows of holes 3/8 inch in diameter for 8 inch tubing and 1/2 inch in diameter for 10 inch tubing, located 120° to 140° apart along the bottom half of the tubing, each row 60° to 70° up from the bottom center line. The perforations shall be staggered so that there is at least one hole in each corrugation.
 - The pipe shall be marked to indicate the top of the pipe.
 - All gravelless drainfield pipe shall be encased at the point of manufacture with a filter wrap having the following characteristics:

Physical Properties	Minimum Value
Grab Strength, lbs. (ASTM D1682-64)	19
-Reapproved 1975 or ASTM D4632)	11
Machine Direction	
Transverse Direction	

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Burst strength, psi. (ASTM D3786-80a) 26
Air Permeability, cfm per sq. ft. 500
(ASTM D737-75, Reapproved 1980)

Particle Size Distribution (ASTM F 662-80) Polyethylene particles in water and alcohol solution, coulter counter analysis, single pass

Particle Size (Microns)	% Retained
70	80
60	68
50	56
40	40
30	22
20	5

- 3) 8 or 10 inch gravelless seepage trenches shall comply with all requirements which apply to standard gravel trench systems as stated in Appendix A unless otherwise stated in this part.
- 4) Bedding Material. 8 and 10 inch gravelless seepage systems may be bedded with material excavated to construct the system. The backfill material shall not contain large clods of earth, demolition material or other extraneous material.
- 5) Separation Material. No straw, newspaper or untreated building paper shall be placed between the gravelless system and the earth backfill.
- 6) Bending. 8 inch and 10 inch gravelless pipe shall not be bent around corners on a radius of less than 5 feet. If a sharper radius is required, a tee shall be used.
- 7) Gravelless seepage systems are not required to be looped. Gravelless seepage systems which are not looped shall be capped on the end.
- d) Serial Distribution. Serial distribution shall be used in areas where the slope of the terrain prohibits the installation of conventional subsurface seepage systems. The following criteria shall be used in the design and construction of a serial distribution system: (Appendix A: Illustration K of this Part)
 - 1) The bottom of each trench and its distribution line shall be level.
 - 2) There shall be a minimum of 6 inches of earth backfill over the bedding material or the gravelless pipe in the trenches.
 - 3) The trench shall follow the ground surface contours so that variation in trench depth will be minimized.
 - 4) There shall be a minimum of 5 feet of undisturbed earth between the septic tank and the nearest trench.
 - 5) Adjacent trenches shall be connected with a relief line or a drop

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box arranged so that each trench is completely filled to the full depth of the gravel or gravelless pipe before effluent flows to the succeeding trench.

- 6) The relief lines connecting the trenches shall have watertight joints and direct connections to the distribution lines in adjacent trenches. Tight joint "T's" and 45° ell's, or a drop box arrangement shall be used to connect adjacent trenches.
- 7) Where the relief pipe trench connects with the higher trench, it shall not be deeper than the top of the gravel or gravelless pipe in the higher trench. Relief lines shall rest on undisturbed earth and the backfill shall be carefully tamped.
- 8) The invert of the first relief line shall be at least one inch lower than the invert of the septic tank or aerobic treatment plant outlet. (See Appendix A: Illustration K of this Part.)
- 9) All other construction features of the serial distribution field shall comply with subsections (a) through (d) of this Section.
- e) Seepage Beds. The total bottom area of the seepage bed shall be one and one-half times the area specified in Appendix A: Illustration H of this Part. Construction features shall conform to subsections (a) and (b) of this Section. Distribution lines shall be spaced no further than 6 feet center to center and shall be equally spaced. Lines adjacent to the bed sidewalls shall be 18 inches from the bed sidewall. (See Appendix A: Illustration L of this Part.) Seepage beds shall be constructed so that construction equipment does not drive over the bottom of the bed.

(Source: Amendment 154996 20 Ill. Reg. _____, effective 2431-1-73)

Section 905.70 Buried Sand Filter Filters

- a) General. Buried sand filters may be used, provided the effluent is discharged in accordance with the requirements of Section 905.110.
- b) Buried Sand Filters.
 - 1) Size. Buried sand filters shall be sized as follows: The sand-fitter surface--area--for--residential--systems--shall--be--200--square--feet--per bedroom--For non-residential systems--the sand--fitter--surface--area shall--be--one--square--foot--per--gallon--per--day--and--the--minimum--size--for a--buried--sand--fitter--shall--be--100--square--feet--Where a sand-fitter is used--in--conjunction--with--a--aerobic--treatment--plant--the--size--of--the sand--fitter--may--be--reduced--by--50--percent.
 - 2) Residential. The sand filter surface area for residential property shall be 200 square feet per bedroom. Where a sand filter is used in conjunction with an approved aerobic treatment plant, the surface area of the sand filter may be reduced by 50 percent.
 - 3) Non-Residential. All of the following shall be met when a buried sand filter is to be installed on non-residential property.

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- A) The surface area of the sand filter shall be designed for one square foot per gallon per day for waste with an influent Biochemical Oxygen Demand (BOD) not to exceed 300 parts per million (ppm).
- B) A sand filter with flows of 801 gallons or more per day shall have the effluent distributed into the sand filter by a pressure dosing system designed according to subsection (f) of this Section.
- C) The sand filter shall be dosed 4 times per day with equal flows not to exceed the design capacity of the filter.
- C) A single individual sand filter shall be used to treat flows from a wastewater source. Splitting flows prior to treatment or the use of multiple sand filters shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.
- d) Minimum Size. The minimum size buried sand filter shall be designed to treat at least 100 gallons of waste per day.
- 2)el Sand Filter Media. The depth of filter media shall be a minimum of 24 inches. The sand shall have an effective size of 0.5 to 2.0 millimeters, and a uniformity coefficient of less than 3.5. It shall be clean and free of clay and silt.
- 3)fl Alternate Media. Other filter media may be used in a subsurface filter provided it meets the criteria of Subsection (2) subsection (e) of this Section above and complies with the following requirements.
- A)l) Is chemically and biologically inert.
- B)2) Will support biological growth.
- C)3) Has a hardness equivalent to, or greater than, that of sand.
- 4)gl Filter Media Cover. The filter media shall be covered with a minimum of ten 10 inches of clean coarse gravel or clean stone which is free of mud, silt or clay, ranging in size from 3/4 to 2 1/2 inches in diameter. The gravel or stone shall be covered with straw or untreated building paper, or other permeable material prior to backfilling. A minimum of 12 inches earth cover shall be provided. (See Appendix A: Illustration N of this Part.)
- 5)h) Distribution and Collection Lines. The distribution and collection lines shall conform to the requirements for distribution lines as given in Section 905.604(f)(b)(2). The distribution lines shall be level, shall be located 18 inches three-feet from sidewalls, and shall be spaced on three 3 foot centers. There they shall be solid pipe to the filter media. The collection lines shall have a slope of six 6 inches per 100 feet and one collection line shall be provided for each ten 10 feet of width or fraction thereof. The upper end of the collection line shall be capped.
- 6)il Bedding Material. The bedding material for the collection lines shall be placed as shown in Appendix A: Illustration N of this Part, shall be clean gravel or clean stone which is free of mud, silt or clay, and shall consist of clean-gravel-or-stone. The coarse gravel shall range in size from 3/4 to 2 1/2 inches in diameter and pea

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- gravel shall range from 1/8 to 3/8 inches in diameter. A minimum of two 2 inches of coarse gravel shall be placed on the excavation before placement of the collection lines.
- 7)j) Venting. A minimum of one vent shall be placed on the downstream end of the distribution lines as shown in Appendix A: Illustration N of this Part. These vents shall be placed as close as possible to the corners on the downstream distribution lines. The vent vents shall extend above the ground surface and be screened with 1/4 inch mesh screen or equivalent.
- 8)k) Drainage Drainage. Surface drainage shall be directed away from the filter. If conditions prohibit gravity drainage of the filter effluent, a pumping chamber shall be installed. The chamber shall be constructed of a watertight, non-corrosive material and shall be provided with a removable lid, which will serve as an access for inspection, cleaning, and general maintenance. An access port or extension collar shall extend at least 6 inches above be-brought-to-within-12-inches-of the ground surface, and the access shall have a minimum dimension of 12 inches. The chamber shall have sufficient depth and the pump controls shall be set in a manner to allow for complete drainage of the filter to eliminate any ponding of effluent within the filter. (See Section 905.125 Pumps, Pump Chambers and Ancillary Equipment.)
- 9) Adverse Site Conditions--in areas where the seasonal high-ground water table rises to within six inches of the bottom of the filter--the filter shall be lined with an impermeable non-biodegradable material--either natural or man-made--Distribution of Effluent. Buried sand filters designed to treat non-residential property with flows of 801 gallons or more per day shall have the effluent distributed into the sand filter by pumping. The pumps, pumping chamber and ancillary equipment shall comply with Section 905.125 and the following:
- 1) Dosing volume. Dosing shall not exceed 4 times a day. The dosing volume is the amount of liquid pumped or siphoned during each cycle minus the amount which drains back from the system after each dose.
- 2) Pump Selection. The pump shall be a submersible pump designed for corrosive liquids.
- 3) Siphons. Siphons can be designed where elevation exists between the sand filter and the siphon chamber. However, the siphon shall be designed to deliver the same flow rate at the same head at the distribution system as a pump system. The distribution system consisting of manifold and laterals shall be designed so that it will drain after each siphon. This shall be accomplished by placing the manifold above the laterals.

(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

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Section 905.80 Recirculating Sand Filter

- a) General. The recirculating sand filter system (Appendix A: Illustration O of this Part) consists of a septic tank, recirculation tank, open sand filter, and flow splitter. It may be used provided the effluent is discharged in accordance with the requirements of Section 905.110.
- b) Septic Tank. The septic tank shall be sized and installed as described in Section 905.40.
- c) Recirculation Tank. The recirculation tank volume shall be 500 gallons and the tank shall be equivalent in strength and materials to the septic tank as provided in Section 905.40. No baffles are necessary. An access manhole, as described in Section 905.40(b)(7)(g)(3), shall be provided for pump maintenance or replacement.
- d) Sand Filter. The sand filter shall be sized at one square foot of filter surface for every three 3 gallons per day of domestic sewage flow. Appendix A: Illustration P of this Part has a size chart for residences based on numbers of bedrooms. Unless otherwise stated in Appendix A: Illustration P of this Part the sizes shown are required. The filter media shall comply with requirements of Section 905.70(e)(b)(2) and (f)(3) and shall be 30 inches in depth.
- e) Bedding Material. The bedding material for the collection lines shall be the same as that in a buried sand filter. The coarse gravel shall be 3/4 to 1 1/2 inch diameter and the pea gravel shall be from 1/8 to 3/8 inches diameter. A minimum of two 2 inches of coarse gravel shall be placed on the excavation prior to placement of collection lines.
- f) Distribution and Collection Lines. The collection lines shall be constructed of materials as approved in Section 905.20(f) and shall be four 4 inches inside diameter perforated piping laid with perforations facing downward. The distribution piping shall have an inside diameter of 1 1/2 inches. The perforated pipe shall have 1/2 to 3/4 inches diameter openings on 3 to 5 inch centers with two 2 rows at 120° from each other. Distribution piping shall be spaced on three 3 foot centers and shall be located a minimum of 1 1/2 feet from sidewalls.
- g) Pumps. The pump shall be a submersible pump designed for corrosive liquids and shall have a capacity of 15 to 25 gallons per minute at the ten 10 foot total dynamic head (TDH). The pump shall be controlled by a time clock which can be set to activate the pump at one hour or longer intervals. Pump shut-off shall be controlled by a low level float switch which allows the entire contents of the recirculation tank to be pumped during each pump cycle. A high level float switch shall be provided that energizes a visible and audible alarm to indicate pump failure or malfunction. (See Appendix A: Illustration Q of this Part.)
- h) Flow Splitter. The flow splitter shall be designed so that recirculation rates can be controlled between no recirculation and a 5

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to 1 recirculation ratio. An example of one type of splitter is shown in Appendix A: Illustration O of this Part.

(Source: Amended at 20 Ill. Reg. 2431, effective MAR 15 1996)

Section 905.90 Waste Stabilization Ponds

General. Waste stabilization ponds may be used if designed and constructed in accordance with the following criteria and provided the effluent is discharged in accordance with the requirements of Section 905.110 (See Appendix A: Illustration R of this Part as an illustration of these requirements). A septic tank sized according to 905.40 Appendix A: Illustration F of this Part or an aerobic treatment plant shall precede a waste stabilization pond.

- a) Location: A waste stabilization pond shall be located as distant as practical from residences, but in no case closer than the distances shown in Appendix A: Illustration D of this Part, and in an area where trees will not interfere with sunlight on the surface.
- b) Dimensions. Ponds shall have a length not exceeding three 3 times the width.
- c) Capacity. When domestic sewage from a septic tank is to be discharged to the waste stabilization pond, ~~the capacity shall be equivalent to 90 times the average daily flow. When preceded by a septic tank, the capacity of the pond shall be equivalent to 60 times the average daily flow. When preceded by an aerobic treatment plant, the capacity of the pond shall be equivalent to 18 times the average daily flow.~~
- d) Depth. The wastewater depth for a waste stabilization pond shall be uniform and three 3 feet to five 5 feet.
- e) Freeboard. A minimum freeboard of two 2 feet shall be provided.
- f) Embankments. Embankments shall be constructed ~~of~~ of impermeable materials and shall be compacted. Embankment slopes shall be in 1 to 2 (vertical to horizontal) below the water line and 1 to 3 or flatter above the water line. Embankment slopes shall be one-to-three vertical-to-horizontal. The top width of the embankment shall be a minimum of two 2 feet. Embankments shall be seeded or rip-rapped from the outside toe to the high water line. Perennial, low growing, spreading grasses that withstand erosion and can be kept mowed are most satisfactory for seeding of embankments.
- g) Inlet. ~~Inlet--it is in excess of 50 feet in length which carry raw sewage--shall be provided with a clean-out.~~ The inlet line shall be placed 12 to 24 inches above near the bottom of the pond at a point opposite the overflow structure and shall be supported at no greater than ten 10 foot intervals along its length. It shall discharge at least ten 10 feet from the water's edge. The inlet line shall be sloped in accordance with Section 905.20(g).
- h) Outlet. The outlet structure shall be designed to prevent the discharge of floating solids. This may shall be accomplished through

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baffling. The baffle shall consist of a sanitary T or 90° elbow. If the 90° elbow is used, a 1/4 inch hole shall be drilled into the top of the elbow to provide an air break. The outlet baffle shall extend 12 inches below the invert of the overflow. The outlet baffle shall be 3 to 5 feet from the embankment, or other means.

i) Bottom. The bottom of the waste stabilization pond shall be cleared and leveled to the required elevation and shall be lined with an impermeable natural or man-made material. The pond shall be kept free of vegetation that would grow to or above the water surface.

j) Drainage. All surface water shall be diverted away from the waste stabilization pond.

(Source: Amended at 20 Ill. Reg. 2431 ~~2431~~, effective
MAR 15 1996)

Section 905.100 Aerobic Treatment Plants

a) General. After the effective date of this Code, aerobic treatment plants shall be listed by NSF International as complying with the requirements of ANSI/NSF the National Sanitation Foundation (NSF) Standard Number 40, Individual Aerobic Wastewater Treatment, July 1990. May 1983, and shall bear the NSF seal. Aerobic treatment plants approved by this Department prior to the effective date of this Code shall continue to be approved as indicated in the provisions of the original approval issued by the Department. A list of approved aerobic treatment plants will be periodically updated and a copy of this list may be obtained from the Department. Standard 40 is a standard which covers plants for treatment of wastewater from individual homes. This Part shall allow NSF approved aerobic treatment plants to serve residential property that is occupied on a year-round or full-time basis. Aerobic treatment plants shall not be used to serve residential property which is used as a seasonal, weekend or part-time residence.

b) Class II Effluent. Aerobic treatment plants listed by NSF for Class II effluent (BOD5-60mg/l and Suspended Solids 100 mg/l) shall discharge to one of the following:

- 1) A subsurface seepage system designed and constructed in accordance with the requirements of Section 905.60.
- 2) A sand filter designed and constructed in accordance with the requirements of Sections 905.70 or 905.80.
- 3) A waste stabilization pond designed and constructed in accordance with the requirements of Section 905.90.

c) Class I Effluent. Aerobic treatment plants listed by NSF for Class I effluent (BOD5-30 mg/l and Suspended Solids 30 mg/l) shall discharge to one of the following:

- 1) A subsurface seepage field designed and constructed to be at least 2/3 the size determined necessary by Section 905.60.

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2) To a surface discharge to the ground surface in accordance with Section 905.110.

d) Sizing. Aerobic treatment plants which are listed by NSF as Class I and rated at 500 gallons per day will be allowed for the treatment of sewage from residential property homes having up to and including 4 four bedrooms. Other aerobic treatment plants that are listed by NSF as Class I shall be sized as follows:

Bedrooms	Minimum Rated Treatment Capacity-Gallons
1	400
2	400
3	500
4	500
5	500
6	750
7	900
8	1000
9	1200
10	1350
	1500

e) Installation. All components of aerobic treatment plants shall be installed at the time of the original installation. If this is not possible, a solid end cap shall be securely placed over the end of the discharge line until the system can be completed. This will prevent the discharge of raw sewage to the ground surface.

f) Accessibility for inspection and maintenance. The plant shall be equipped with one or more grade-level access manholes located to permit periodic physical inspection and maintenance of all compartments and component parts. Component parts include submerged bearings, moving parts, tubes, intakes, slots, filters, and other devices. Grade level access manholes shall be installed in a manner to prohibit the entry of soil, water and dirt into the unit. Access to aerobic treatment plants shall be accessible to allow maintenance and service of all components within the plant.

g) Service. Devices falling within the scope of Standard 40 require periodic maintenance to achieve performance consistent with demonstrated capabilities. Implicit in Standard 40 is the recognition that assured professional service is imperative. Standard 40 and this Part require a 2-year service policy to be provided as part of the initial service agreement. (Note: The following initial service policy includes items not included in the NSF Standard 40 service policy.)

- 1) Initial service policy: A 2-year policy shall be furnished to the purchaser by the private sewage disposal installation contractor through the manufacturer or the distributor of the aerobic treatment unit. This policy shall provide:

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- A) Four inspection/service calls, at least one every 6 months, which includes inspection, adjustment, and servicing of the mechanical and the applicable component parts to ensure proper function;
- B) For an effluent quality inspection consisting of a visual check for color, turbidity, scum overflow, and an examination for odors;
- C) For improper operation which cannot be corrected at that time, to be reported to the owner immediately. This shall be followed with a written report which includes the date for the condition to be corrected.

2) Continuing service policy: Each manufacturer shall make available for purchase by the owner a continuing service policy with terms equal to the initial service policy.

3) Standby parts: Standby mechanical and electrical component parts shall be stocked by the local distributor for use when the plant's mechanical or electrical components must be removed from the site for repairs.

4) Component parts: The mechanical and electrical component parts shall be guaranteed against any defects in materials and workmanship as warranted.

5) Service: Service shall be available within 2 working days following a request.

6) Owner's manual: An owner's manual shall be provided by the manufacturer with each unit. The manual shall include the following information:

- A) Model numbers.
- B) Functional description of unit including a statement of minimum performance requirements as established by test.
- C) Design and flow diagrams.

D) Warranty.

E) Replacement policy and service policy.

F) Installation instructions.

G) Detailed operation and maintenance requirements (including user responsibility, parts and service).

H) Rated service flow in gpm (gallons per minute) or gpd (gallons per day).

I) Energy source and energy required for proper operation of the plant.

J) Specification of models tested under ANSI/NSF Standard 40.

7) Service label: A clearly visible, permanently attached label or plate giving instructions for obtaining service shall be placed at the audible and visual alarm.

8) Responsibility of property owner: The property owner shall be responsible for maintaining and operating the plant in accordance with this Part and the manufacturer's specifications.

b) Operation. Aerobic treatment plants shall produce an effluent meeting the physical, chemical and biological requirements of Section 905.110.

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Under normal operation and in the event of an electrical or mechanical failure or other performance failure or malfunction, the design and construction of the aerobic treatment plant shall prevent the discharge of wastewater from any opening which is not part of the designed flow path of the entire treatment process and shall prevent the discharge of wastewater which is not in compliance with Section 905.110.

i) Maintenance. In the event that a routine service call indicates an electrical, mechanical or performance failure or malfunction or if routine laboratory test results indicate improper treatment, the property owner shall immediately take action to bring the aerobic treatment plant into compliance with this Part.

j) Non-residential use. Aerobic treatment plants which are listed by NSF as Class I will be considered for use to serve a non-residential property provided all of the following are met:

1) Total daily flows from the wastewater source into the plant are at least 75% of the rated hydraulic capacity and do not exceed the rated hydraulic capacity of the plant.

2) Wastewater effluent shall not exceed the manufacturer's design specifications for BOD5 loading as established by NSF during testing of the plant.

3) Hourly flows from the wastewater source into the plant are less than or equal to the treatment capacity of the plant divided by 24. This may require the installation of a flow equalization device.

4) A buried sand filter sized with a surface area equal to 2 gallons per square foot per day and dosed at least once but not more than 4 times per day shall immediately follow the aerobic treatment plant.

k) Any wastewater source shall be served by a single individual aerobic treatment plant. Splitting of flows from a wastewater source or the use of multiple aerobic treatment plants shall be prohibited unless subsurface disposal of the effluent is used. Where allowed, splitting of flows shall be done by pumps.

l) Private sewage disposal installation contractors or homeowners who maintain or service aerobic treatment plants shall be required to maintain the integrity of the NSF seal. Only component parts approved for use in an individual plant may be used. No design changes or component part changes may be made which will void the NSF seal. Any person who voids the NSF seal shall be responsible for repairing the plant so it can bear the NSF seal or shall replace the plant with an approved private sewage disposal system.

(Source: Amendment 15, 20 Ill. Reg. _____, effective _____)

Section 905.110 Effluent Surface Discharges

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- a) General. Buried sand filters, recirculating sand filters, lagoons, waste stabilization ponds, and aerobic treatment plants listed by NSF for Class I effluent (See Section 905.100(a) and (c)) may be discharged to any one of the following 3 options:

1) A receiving stream, river, lake, or pond which provides greater than a 5 to 1 one-to-one dilution of the effluent, based on the 7 day, 10 year low flow rate. A discharge within 10 feet of the above shall be considered to be a discharge to the receiving body of water. Discharges greater than 10 feet from the receiving body of water shall comply with subsection (a)(2) or (3) of this Section. Discharges to a lake or pond shall be limited to 2 discharges per surface acre of water. More than 2 discharges may occur per individual surface acre of water, however, the total number of discharges to total surface acres of water shall not exceed a ratio of 2 to 1. An example of this is as follows: In a 20 acre lake, several discharges may enter the lake in a 1/2 acre cove; however, the total discharges entering the lake would be limited to 40. Where discharges are not equally distributed around a lake or pond the Department or local authority shall be consulted to assure that nuisance conditions are not created.

2) A ~~to a~~ common collector ~~drain~~ provided that the collector ~~drain~~ does not discharge within one mile upstream from a public water supply intake, public bathing beach, or to any public use area. A public use area is any area which is frequently used by the public. Examples of a public use area are playgrounds and picnic areas. Common collectors used to carry treated effluent for 2 or more discharging systems with a combined design flow of less than 1500 gallons per day shall be constructed of materials as listed in Appendix A: Illustration C of this Part, and shall discharge in accordance with subsections (a)(1) and (3) of this Section. If the flow from any number of discharging systems is combined and exceeds 1500 gallons per day, then the owner of the property shall provide a copy of the construction permit obtained in accordance with 35 Ill. Adm. Code 309.202(a) and (b) and a National Pollutant Discharge Elimination System (NPDES) permit issued by the Illinois Environmental Protection Agency to the Department or local authority to demonstrate that the effluent from this private sewage disposal system can discharge to this location.

3) The ~~to the~~ ground surface, ~~in areas~~ where the density of private discharge points of private sewage disposal systems with surface discharges does not exceed an average of one per acre and the effluent does not pond or create a nuisance condition.

b) Whenever a subdivision is platted that does not provide private sewage disposal systems in compliance with Section 905.60 or subsection (a) of this Section, then a sewage system in compliance with 35 Ill. Adm. Code 301 shall be provided.

c) Where lots have been platted prior to March 15, 1996, the applicant

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for plan approval or local authority approval may apply for a variance to this Section in accordance with the provisions of Section 905.20(1).

b) d) Effluent Standards.

1) All surface discharges from private sewage disposal systems shall comply with United States Environmental Protection Agency Secondary Treatment Guidelines for BOD5 and Suspended Solids:

- A) BOD5
- BOD5--Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/l (milligrams per liter) and 85 percent removal.
 - Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/l.
- B) Suspended Solids:
- Arithmetic mean of all effluent samples collected in a period of 30 consecutive days; 30 mg/l and 85 percent removal.
 - Arithmetic mean of all effluent samples collected in a period of 7 consecutive days; 45 mg/l.
 - No effluent shall contain settleable solids.
 - Color, odor, and turbidity must be reduced to below discernable levels.
 - No effluent shall contain floating debris, visible oil, grease, scum, or sludge solids.
 - A fecal coliform bacteria concentration not exceeding 400 organisms per 100 ml (milliliter) except where chlorination is not required.
- 2) Samples shall be analyzed in accordance with the 1970 edition of "Standard Methods for the Examination of Water and Wastewater" as published by American Public Health Association.

(Source: Amended at 20 Ill. Reg. 2431, effective MAR 15 1996)

Section 905.120 Disinfection

a) General. Surface discharges shall be disinfected with a chlorine solution under the following conditions:

1) When the effluent is discharged to the ground surface and the effluent leaves the property.

2) When an individual effluent or the effluent from a common collector drain line is discharged to a pond, lake, or stream in which swimming, water skiing, or other water contact recreation occurs.

3) When an effluent is discharged to the ground surface in accordance with Section 905.110(a)(3), it shall be disinfected if it leaves the property or discharges to an area where ponding of the effluent is likely to occur.

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- b) Chlorine Feeders. Chlorination equipment shall have a means of removal of solids. Appendix A: Illustration S of this Part provides an example of a typical chlorine feeder. All chlorine feeders shall meet the requirements of Appendix-S Appendix A: Illustration S of this Part. Other feeders which meet the requirement of this Section are also acceptable.
- c) Chlorine Contact Tanks. Chlorine contact tanks shall be baffled and shall provide a contact time of at least 30 minutes based on two-and-one-half 2 1/2 times the average flow. The minimum contact tank capacity shall be 30 gallons. Access to the distribution feeder shall extend to the ground surface.
- d) Sample Port. A sampling port at least four 4 inches in diameter shall be provided on the effluent line or into the chlorine contact tank, unless a free-fall discharge from the system is easily accessible within 200 feet of the system.
- e) Chlorine Residual. A final effluent free chlorine residual of 0.2 to 1.5 mg/l shall be maintained.
- f) Chlorine products used for the disinfection of treated wastewater effluent shall be used according to the product's labeling.

(Source: Amended at 20 Ill. Reg. 2431 = 1, effective MAR 15 1996)

Section 905.125 Pumps, Pumping/Dosing Chambers and Ancillary Equipment

- a) Pumps shall meet the following requirements:
- 1) The pump shall be submersible.
 - 2) The pump shall be designed to handle wastewater and a minimum of 1/2 inch diameter solids.
 - 3) The pump shall be capable of delivering the required flow at the design total dynamic head. The discharge pipe shall be the same size or larger than the discharge of the pump.
 - 4) The pump shall be constructed of corrosion resistant materials.
 - 5) Performance curves and specification sheets indicating the above criteria have been met shall be submitted with the plan review application when pumps are to be used in a system.
- b) Pump Chambers
- 1) Pumping Chamber. The pumping chamber shall be watertight. Watertight shall consist of sealing all joints. The pumping chamber shall be filled with water after being installed and backfilled to prevent the pumping chamber from floating out of position due to hydrostatic pressures, unless the tank is installed in dry soil.
 - 2) The volume of the pumping chamber shall be sufficient to provide the desired dosing volume, space for controls, space for setting the pump, reserve capacity malfunction and flow-back after the pump shuts off (volume of manifold and laterals).
 - 3) A reserve capacity above the active pumping volume equal to

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- one-half day's design flow shall be provided if single pumps are used. A reserve volume is not needed if siphons or dual pumps are used.
- 4) An access riser shall extend at least 6 inches above the ground surface.
 - 5) Dosing Volume. The dosing volume shall be at least 5 times the pipe volume of the dosing network plus provide for filling and drainback of the network. The average flow shall be used to determine the dosing volume.
 - 6) Pump and Alarm Control. The pump control device shall be adjustable so that the required dosing volume is discharged during each pumping cycle. The control system for the pumping chamber shall consist of a control for operating the pump and an alarm system to detect when the system is malfunctioning. Pump controls shall allow flexibility in adjusting the on-off depth. An example of acceptable controls is shown in Appendix A: Illustration Q of this Part.
 - 7) Electrical and Alarm System. A high water alarm shall be provided with audible and visual signals and a test function. The alarm shall be on a separate circuit and located in the home or facility served. The alarm control device shall be a sealed float or diaphragm switch and shall be located to activate 2 to 3 inches above the pump turn-on level or siphon activation level.
- c) Ancillary Equipment
- 1) A quick disconnect device shall be included in the discharge piping to facilitate removal of the pump for inspection, repair, or replacement. The disconnect device shall be a threaded union, pitless adapter, or lift-out rail system.
 - 2) A corrosion resistant rope or cable of adequate strength shall be affixed to the pump to facilitate installation and removal so that personnel need not enter the chamber to disconnect the pump.
 - 3) A pump control device must be adjustable so that the desired dosing volume can be discharged during each pumping cycle. The control device may consist of one or more sealed float or diaphragm switches which may cooperate with a relay or contact. Separate control panels located outside the chamber must be protected from the weather and must provide no air path between the panel and the pump chamber.
 - 4) A check valve between the pump and the piping network shall not be allowed unless this piping system is below the frost line.

(Source: Added MAR 15 1996²⁰ Ill. Reg. 2431 = 1, effective)

Section 905.130 Human Waste Disposal

- a) General. Privies, portable toilets chemical-toilets, recirculation toilets, incinerator toilets, and compost toilets are approved for

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private sewage disposal of human wastes. Other ~~others~~ domestic wastes shall be disposed of in a conventional system⁷ (Section 905.30); however, the size of all components may be reduced 25 percent (except that septic tanks may not be smaller than 750 gallons).
 Note: Compost toilets may be used to dispose of other organic domestic wastes.

b) Privy Construction. All privies shall be constructed and maintained in accordance with the following and Appendix A: Illustration T of this Part:

1) Pit Construction. The pit shall be constructed of materials and in such a manner as to be able to endure the anticipated load and use and to withstand the local environmental conditions without deteriorating. The pit shall be constructed such that there shall be access to the pit for pumping and cleaning purposes.

2) Pit Size. The pit shall have a minimum capacity of 50 cubic feet per seat.

3) Floor and Seat Riser. The floor and seat riser shall be constructed of an impervious material and in a manner to exclude insects and rodents. The seat riser shall be bonded to the floor to prevent seepage through the riser onto the floor.

4) Seat Cover. The seat opening shall be covered with a hinged lid which forms a tight seal.

5) Vent. Each pit or vault privy shall be provided with a vent to the outside that creates airflow out of the building through the vent. The vent opening shall be screened with 16 mesh screen to prevent the entry to of flies and shall terminate through the roof.

6) Maintenance and Abandonment. When any privy is abandoned or filled to within 18 inches of the bottom of the riser, it shall be pumped by a private sewage disposal system pumping contractor. Any abandoned privy pit shall be filled with earth.

c) Vault Privy. Watertight, non-metal vaults are required where privies are used in areas where the groundwater or limestone formations are within ~~four~~ 4 feet of the bottom of the pit. The vault shall be provided with a readily accessible cleanout which prohibits the entry of rodents, insects, and surface water. (See Appendix A: Illustration T of this Part.)

d) Septic Privy. The vault of a septic privy shall be watertight. The subsurface seepage field shall consist of a minimum of one 10 foot distribution line placed in a ~~two~~ 2 foot wide trench constructed in accordance with Section 905.60 and Appendix A: Illustration U of this Part.

e) Standards for the Construction and Servicing of Non-Sewered (Portable) Toilet Systems. A portable toilet is a self-contained unit equipped with a waste receiving holding container. Non-sewered toilet systems shall be constructed and maintained in the following manner:

1) Rooms, buildings or shelters housing toilets shall be of solid construction, easy to clean, providing shelter and privacy. The

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toilet room shall be ventilated to the outside, with the vent covered with 16 mesh screen. Internal latches shall be provided to prevent inadvertent entry.

2) Waste containers shall be fabricated from impervious materials such as plastic, steel, fiberglass or their equivalents. Containers shall be watertight and capable of containing the waste. Containers shall be adequate in size to be used by the number of persons anticipated without filling the container to more than half of its volume before regularly scheduled service.

3) Servicing shall include removing waste from containers, recharging containers with an odor controlling solution, installing a supply of toilet tissue based on the system's intended use, and cleaning urinals and seats. Employers and event sponsors are responsible for contracting service intervals frequent enough to ensure clean, sanitary facilities.

4) Any defective or inadequate toilet unit shall be repaired or withdrawn from service by locking or removal.

5) Removal of waste shall be handled in a sanitary manner by means of a vacuum hose and discharge to a leak-proof tank truck. All ports on the tank shall be valved and capped.

6) Service trucks shall have access to the toilets to be serviced.

7) Disposal of waste from tank trucks shall be in accordance with Section 905.17(g).

e) ~~Chemical toilets--Where chemical toilets are used, the owner or private sewage disposal contractor shall maintain them and dispose of their contents in accordance with Section 905.17g.~~

f) Recirculating Toilets.

1) Self-contained toilets which treat and recirculate the flushing liquid shall be constructed of an impervious, easily cleanable material and vented to the outside air through a screened pipe. The effluent, if any, from the recirculating toilet shall discharge into a subsurface seepage field or into a disposal bag. The subsurface seepage field shall consist of a minimum of one ~~ten~~ 10-foot long distribution line placed in a ~~two~~ 2-foot wide trench constructed in accordance with Section 905.60. The owner of a recirculating toilet shall dispose of any residual from the unit in an approved public or private sewage disposal system.

2) Recirculating toilets shall comply with the requirements of the National Sanitation Foundation (N-S-F) Standard 41 and shall bear the N-S-F seal.

g) Incinerator Toilets.

1) Incinerator toilets shall be designed and operated to provide complete incineration of the contents without production of odors. The owner of an incinerator toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.170(e).

2) Incinerator toilets shall comply with the requirements of the National Sanitation Foundation (N-S-F) Standard 41 and shall

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bear the N-5-F- seal.

- h) Compost Toilets.
- 1) Compost toilets shall be designed in accordance with the manufacturer's recommendations to serve the anticipated number of persons. The owner of a compost toilet shall maintain the toilet and dispose of the contents in accordance with Section 905.149 905.170.
 - 2) Compost toilets shall comply with the requirements of the National Sanitation Foundation (N-5-F-) Standard 41 and shall bear the N-5-F- Seal.

(Source: Amended at 20 Ill. Reg. **2431**, effective MAR 15 1996)

Section 905.140 Holding Tanks

- a) General. Holding tanks are approved for private sewage disposal only under the following circumstances:
 - 1) To serve a seasonal use, single family residence, such as a cabin used only on weekends, short vacations, and other similar situations.
 - 2) As a temporary measure while awaiting the availability of a municipal sewer extension. This temporary condition shall not exceed 1 year in length.
 - 3) As a sanitary dumping station to receive the discharge from holding facilities on recreational vehicles.
 - 4) To receive the discharge from fixtures or drains that receive waste products such as automotive grease, oils, solvents and chemicals that are not allowed to be discharged into a private sewage disposal system. These waste products shall be handled according to rules for the disposal of oil, gas and grease promulgated under the Environmental Protection Act, or according to 35 Ill. Adm. Code Subtitle G, or shall be taken to an oil and gas reclamation center. Note: Also see Illinois Plumbing Code (77 Ill. Adm. Code 890.).
- b) Approval. Approval for holding tanks shall be obtained in writing from the Department or local authority prior to installation. Such approval shall be based on compliance with this Section.
- c) Construction and Location. Holding tanks shall be designed and constructed in compliance with Section 905.40, "Septic Tanks", except that the outlet shall be permanently sealed. Holding tanks shall be located to comply with the requirements for "Septic Tanks or Aerobic Treatment Plants" as listed in Appendix A: Illustration D of this Part.
- d) Conversion to Conventional Private Sewage Disposal Systems. Holding tanks installed under ~~Subsection~~ subsection (a)(2) ~~above~~ of this Section shall be converted to a conventional private sewage disposal system if a municipal sewer has not been extended to serve the

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property within one year of the original installation.

(Source: Amended at 20 Ill. Reg. **2431**, effective MAR 15 1996)

Section 905.150 Sanitary Dump Stations

- a) General. Sanitary dump stations which receive the discharge of holding tanks on recreational vehicles shall be designed and constructed in accordance with the ~~Rules for Recreational Areas~~ Area Code (77 Ill. Adm. Code 800), ~~and the following~~ Appendix A: Illustration V of this Part and the following requirements: ~~indicates mandatory construction requirements~~
 - 1) ~~A sanitary dump station shall be separate from any other private sewage disposal system.~~
 - 2) ~~A sanitary dump station with a disposal system shall be designed on the basis of 20 gallons per day per unserved recreational vehicle site.~~
 - 3) ~~A sanitary dump station with only holding capabilities shall be designed on the basis of 140 gallons per unserved recreational vehicle site.~~
- b) Construction and Location. The construction and location of a sanitary dump station with a disposal system shall comply in all respects with the applicable ~~Rules in this Code~~ Sections of this Part, depending on the type of system used. The location and construction of a sanitary dump station with only holding capabilities shall comply with the requirements of Section 905.140.
- c) Ancillary Requirements. A sanitary dump station shall be provided with the following:
 - 1) A concrete pad sloped at least one inch per ~~ten~~ 10 feet to a drain. This pad shall ~~not~~ extend at least ~~two~~ 2 feet in every direction from the drain, and shall have at least a ~~two~~ 2 inch high curb around the outside perimeter of the pad as indicated in Appendix A: Illustration V of this Part.
 - 2) A foot-operated, self-closing cap which forms a tight seal with the drain shall be provided.
 - 3) The sewer line from the drain to the tank shall be at least ~~four~~ 4 inches in diameter and constructed of material approved under Section 905.20(f). It shall be installed to maintain at least a ~~ten~~ 10 foot horizontal separation between the water and sewer line, and the water line and the tank.
 - 4) A water supply distribution tap for flushing the pad shall be provided. The water supply line to the tap shall be of materials, location, and construction in accordance with the Illinois State Plumbing Code (77 Ill. Adm. Code 890), and shall be provided with approved, properly installed back siphonage protection. No "stop and waste" valves will be allowed on this tap. This water tap shall be posted, "Not for Human Consumption."

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Use for Flushing and Cleaning Purposes Only."

(Source: Amended at 20 Ill. Reg. **2431**, effective
MAR 15 1996)

Section 905.160 Swimming Pool Wastewater

a) General. Wastewater generated from the operation of a swimming pool includes clear wastes, such as drainage from the pool proper, deck drainage, and perimeter overflow system drainage, and turbid wastes, such as filter wash and backwash water.

b) Approved Treatment and Disposal. Wastewater from swimming pools may not be discharged to a private sewage disposal system receiving domestic sewage. It shall be disposed of in the following manner:

1) Clear water wastes may be discharged directly to storm sewers, natural drainage areas, seepage pits, or to the ground surface without additional treatment. Such drainage shall not result in nuisance conditions which create an offensive odor, or which produce a stagnant wet area, or which produce an environment for the breeding of insects. These discharges will require an NPDES Permit from IEPA if contaminants are added to the discharge that will cause any water quality violation.

2) Wash or backwash water from sand filters may be discharged to natural drainage areas, storm sewers, seepage pits, or to the ground surface. Diatomaceous earth filter wash or backwash water may be discharged to one of the above after treatment consisting of one of the following:

A) Passing the wastewater through a separation tank designed for removal of the diatomaceous earth and suspended solids.

B) Settling the wastewater in a tank which is capable of holding the volume of one backwash. One backwash is defined as the amount of water generated from the backwash of the filters for a period of two 2 minutes for diatomaceous earth filters, at the required backwash flow rate. The tank shall be dewatered after settling and prior to subsequent backwashes. Settled sludge shall be periodically removed to prevent flushing of solids during backwashing. (See Appendix A: Illustration W of this Part.)

C) A separate private sewage disposal system designed and constructed in accordance with the applicable Sections in of this Code Part.

c) Seepage pits--Where seepage pits are used for the final disposal of swimming pool wastewater, they shall be designed on the basis of the anticipated flow and the percolation rate, as determined by the procedure outlined in Appendix A--Illustration G--Seepage pit construction shall comply with the requirements of Sections 905.604 and 905.605.

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(Source: Amended at 20 Ill. Reg. **2431**, effective
MAR 15 1996)

Section 905.170 Servicing, Cleaning, Transporting and Disposing of Wastes from Private Sewage Disposal Systems

a) General. The collection, storage, transportation, and disposal of all septage shall be handled in accordance with this Section and in accordance with 40 CFR 503-Standards for the Use or Disposal of Sewage Sludge.

b) Truck Identification. The name under which the business is conducted and the town or company origin and telephone number of the business address of each contractor shall be painted on each side of every pump truck operated by him. The letters company name shall be easily legible and the letters shall be at least three 8 inches high in contrasting colors.

c) Equipment Inspection. Equipment shall be subject to inspection and approval by a representative of the Department or local authority at any reasonable time, and, upon request, shall be available for inspection at a designated location.

d) Vehicle Construction and Equipment. Each vehicle used for collection and transportation of waste shall be equipped with a leakproof and tightly sealed tank for septage hauling. The interior and exterior sections of all portable containers, pumps, hoses, tools, or other implements which have been contaminated shall be rinsed clean after each use and the rinsings shall be disposed of such that no health hazard or nuisance results. Trucks and tanks shall comply with the following:

1) The vehicle shall be equipped with either a vacuum pump or other type of pump which is self-priming and will not allow any seepage from the diaphragm or other packing glands.

2) The discharge nozzle shall be located so that there is no flow or drip onto any portion of the truck.

3) The discharge drainage nozzle shall be capped when not in use.

e) Septage Disposal Site--Each licensed contractor engaged in septage disposal shall file with the Department, and each year, a statement describing the location and methods of disposal of septage. Methods of septage disposal approved by the Department are as follows: Notification of Disposal Site. Annually, the private sewage disposal system pumping contractor shall:

1) Notify the Department and local authority of the sites utilized for disposal. Information to be reported shall be: county, township, range, and section, with a description to the nearest 1/4 section; name and address of the owner of the property; and purpose for which the disposal site is otherwise used, such as pasture, grain crops, mowing crops, or timber.

2) Provide an annual estimate of the total gallons of septage disposed of at each site.

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3) Describe the methods of disposal at each site.
f) Disposal Methods. Methods of septage disposal approved by the Department are as follows:

1) Discharge to a Municipal Sanitary Sewer System. Discharge to a municipal sanitary sewer system is approved when the municipality has approval from the Illinois Environmental Protection Agency to receive septage from private sewage disposal systems; and the contractor has written approval from the municipality to discharge septage into the system.

2) Application to Agricultural Land. Septage may be applied to agricultural land provided the following criteria are met:

A) The depth to the ground water table or to fractured limestone formations is at least four 4 feet below the ground surface.

B) The septage is disposed of in the following manner:

i) It originates from private sewage disposal systems which treat only domestic sewage as that term is defined in Section 3 of the Private Sewage Disposal Licensing Act ~~III-Rev-Stat-1961r-chr-iii-1-17-Par-116-303~~ [225 ILCS 225/3];

ii) It is not applied to land which has been saturated by rainfall during the 24-hour period preceding the intended application time;

iii) It is not applied to land with water ponded upon it;

iv) It is not applied to land within 150 200 feet of wells, homes, the rim of a sink hole, underground mine, cave, tunnel, or other water supplies, ponds, or streams;

v) It is not applied to land having greater than 5% slope;

vi) It is not applied to land that is intended to grow root vegetables, or other low growing fruits or vegetables which may be eaten raw;

vii) It is applied at a rate which does not exceed 5,000 gallons of septage per acre per month;

viii) It is applied from a vehicle moving at least one mile per hour (88 feet per minute);

ix) Where it is determined by the Department or local authority that a nuisance condition (see Section 905.160(b)(1)) exists, then the septage shall be incorporated into the soil.

3) Discharge to Sludge Lagoons or Sludge Drying Beds. Discharge to a sludge lagoon or drying bed must be approved by the Illinois Environmental Protection Agency (IEPA) (35 Ill. Adm. Code 309) or the owner/operator of the lagoon or drying bed must have a permit from the IEPA to receive septage from the contractor. If the contractor is going to construct a sludge lagoon or drying

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bed, a permit will be necessary from the IEPA to construct and operate the proposed facility.

4) Discharge to an Incinerator Device. Discharge of septage to an incinerator must be approved by the IEPA or the owner/operator of the incinerator must have a permit from the IEPA to receive septage from the contractor.

5) Discharge to a Sanitary Landfill. Discharge of septage to a sanitary landfill must be approved by the IEPA or the owner/operator of the landfill must have a permit from the IEPA to receive the septage from the contractor.

g) Methods for the disposal of waste from portable toilets shall be as follows:

1) Discharge to a Municipal Sanitary Sewer System. Discharge to a municipal sanitary sewer system is approved from private sewage disposal systems when the contractor has written approval from the municipality to discharge septage into the system.

2) Discharge to Sludge Lagoons or Sludge Drying Beds. Discharge to a sludge lagoon or drying bed must be approved by the Illinois Environmental Protection Agency (IEPA) (35 Ill. Adm. Code 309) or the owner/operator of the lagoon or drying bed must have a permit from the IEPA to receive septage from the contractor. If the contractor is going to construct a sludge lagoon or drying bed, a permit will be necessary from the IEPA to construct and operate the proposed facility.

3) Discharge to an Incinerator Device. Discharge of septage to an incinerator must be approved by the IEPA or the owner/operator of the incinerator must have a permit from the IEPA to receive septage from the contractor.

4) Discharge to a Sanitary Landfill. Discharge of septage to a sanitary landfill must be approved by the IEPA or the owner/operator of the landfill must have a permit from the IEPA to receive the septage from the contractor.

f) Other Wastes. The following shall not be disposed of by application to agricultural land: ~~Automotive greases, oily-gritty-and-similar-type wastes shall not be applied to agricultural land.~~

1) Waste from a portable toilet; and
2) Holding tank waste as provided in Section 905.140(a)(4).

(Source: Amendment 15 to 96 20 Ill. Reg. effective 12/24/96)

Section 905.180 Examinations for Licensure

a) Applications

1) Each person who desires to apply for admittance to the examination for a Private Sewage Disposal System Installation Contractor license or a Private Sewage Disposal System Pumping Contractor license shall file an application for examination on

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forms provided by the Department. These forms may be obtained by writing to the Illinois Department of Public Health, Division of Environmental Health, 7--535--West--Jefferson--Street--Springfield, Illinois--62761.

- 2) Examination dates and locations shall be established by the Department. A completed application, a photograph of the applicant, and a fee of \$25.00 must be filed with the Department at least 30 days prior to the examination date.

b) Examination Requirements and Results

- 1) Installation License Examination. The examination for a Private Sewage Disposal System Installation Contractor license shall test the applicant's knowledge of the design, installation, operation, maintenance, repairing and servicing of private sewage disposal systems.
- 2) Pumping Licensing Examination. The examination for a Private Sewage Disposal System Pumping Contractor license shall test the applicant's knowledge of the pumping, hauling, and disposal of wastes removed from private sewage disposal systems.
- 3) Individuals desiring both the installation contractor license and pumping contractor license must pass the examination for each license.
- 4) Passing Grade. The examination shall consist of questions with a combined grade value of 100 points. In order to successfully pass the examination, a grade of not less than 75 must be obtained.
- 5) Failure to Pass. Any person who fails to pass the examination shall be admitted to a subsequent regularly scheduled examination after filing a new application and fee with the Department in accordance with subsection (a) of this Section 905-100(a). However, persons who fail to pass the exam 2 times in a calendar year shall be required to wait at least one calendar year from the date of the last examination before taking the examination again.

(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

Section 905.190 Installation Approval

- a) Plan approval must shall be obtained from the Department or local authority prior to beginning any construction of a new private sewage disposal system. A new private sewage disposal system shall consist of, but not necessarily be limited to, the following:

- 1) A system where a septic tank is replaced or where a major component of the system is removed or added. Examples of major components would be the replacement or addition of an aeration unit, recirculating sand filter, sand filter, seepage pit, seepage bed or waste stabilization pondagoon.

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- 2) A system where the size of the absorption field is increased in size by 25% or more or where 25% or more of the existing absorption field is removed and replaced with new piping and backfill material.

- b) Submittal for approval shall be made on the forms provided by the Department or local authority. At a minimum, the necessary information which must be submitted to the Department or local authority for approval shall consist of:

- 1) Plans or drawings to scale indicating lot size with dimensions showing the location of the system, type of system to be constructed, the dimensions and the length of lateral to be installed showing type of backfill material if applicable, distances to water lines, water wells, potable water storage tanks and buildings, site elevations and ground surface elevations sufficient to determine the elevation of system components and the slope of the ground surface, location of sanitary sewer, if available, within 200 feet of the property and typical cross section of the system.
- 2) Number of bedrooms or design volume.
- 3) Soil investigation results or percolation percolation test results and the separation distance from the trench bottom to a limiting layer if applicable. The private sewage disposal system installation contractor or homeowner shall submit information with the plan approval application or local authority permit application that a limiting layer does not exist within the distances provided in Section 905.60(a)(7)(A) of this Part.
- 4) Owners Owner's name and address.
- 5) Name and signature of applicant.

- c) Contractors-- Persons who construct, install, repair or modify a private sewage disposal system shall notify the Department or local authority at least 48 hours two-days prior to commencement of the work.

- d) If any person constructs, installs, repairs or modifies a private sewage disposal system without complying with the requirements of subsections (a) through (c) of this Section and backfills any portion of the system or covers any portion of the system with earth, cinders, gravel, shale or any other material that will prevent the Department or local authority from viewing the system to determine compliance with this Part, the property owner and/or private sewage disposal installation contractor shall uncover the backfilled or covered portions of the system.

- e) Contractor Responsibility. The private sewage disposal system installation contractor is responsible for the following:

- 1) Constructing, installing, repairing, modifying or maintaining the private sewage disposal system in accordance with this Part.
- 2) Percolation test results and the sewage disposal system that is designed and constructed using those results. Acceptance of percolation tests from other sources does not relieve the

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

3) installation contractor from responsibility.
Providing the results of soil classification information and/or
percolation tests used to design a private sewage disposal system
to the property owner and retaining copies of this information
for at least 5 years.

4) Providing service to aerobic treatment plants at least equal to Section 905.100(g).

5) Assuring compliance with all codes that may apply to the system, including the National Electrical Code.

f) Soil Classifier Responsibility. The soil classifier or Illinois licensed professional engineer shall be responsible for the accuracy of the information in soil investigations used to design private sewage disposal systems.

(Source: Amended at 20 Ill. Reg. 2431 = effective MAR 15 1996)

Section 905.200 Licenses and Fees

a) An individual may obtain a license as a Private Sewage Disposal System Pumping Contractor or a Private Sewage Disposal System Installation Contractor upon successfully passing the examinations given for each, then, making application on forms provided by the Department and submitting the annual license fee of \$50.00 to the Department.

b) Each person who holds a currently valid plumbing license issued under the Illinois Plumbing License Law ¶¶ Rev-Stat-1985-ch-117-par-110-et-seq [225 ILCS 320] is not required to pay an annual license fee, but must comply with all other provisions of the Act and this Part. ¶¶ Rev-Stat-1985-ch-117-par-116-395(a) [225 ILCS 225/5(a)]

c) The fee to be paid for the annual renewal of either a Private Sewage Disposal System Pumping Contractor or a Private Sewage Disposal System Installation Contractor license shall be \$50.00.

d) The fee to be paid for the reinstatement of a Private Sewage Disposal System Pumping Contractor license or a Private Sewage Disposal System Installation Contractor license which has expired for a period of less than 3 years shall be \$20.00, plus all lapsed renewal fees.

e) A license which has expired for more than 3 years may be restored only by passing the written examination and paying the required fees.

f) A person who does not obtain a license within 2 years after passing the written examination and paying the fee shall be required to file a new application and fee with the Department in accordance with Section 905.180(a) and again successfully pass the examination prior to applying for a license.

(f)g. No reinstatement fee will be charged and no examination will be required of an applicant who is seeking reinstatement within two years of terminating military service, upon payment of annual license fee and submission of evidence of military service. ~~§§11-RV-Stat-1995~~

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eh--111-1/2-par--116-305-(b)7 [225 ILCS 225/5(b)]

(Source: Amended at 20 Ill. Reg. _____, effective _____)

Section 905.210 Notification of Disposal Site (Repealed)

Annually-the-private-sewage-disposal-system-pumping-contractor-shall:

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THE UNIVERSITY OF CHICAGO

(Source: Repealed at 20 Ill. Reg. 2431 effective
MAR 15 1996)

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Section 905.APPENDIX A Illustrations and Exhibits

Section 905.ILLUSTRATION A Quantity of Sewage Flows

TYPE OF ESTABLISHMENT	Unit (per)	Gallons Per Day
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Permanent Residential Dwellings

Single Family	bedroom	200
Multi-Family	bedroom	200
Individual Mobile Homes	bedroom	200
Mobile Home Parks	space	400
Boarding Houses	person	50
Rooming Houses	resident	40

Institutions

Hospitals, Medical	bed	250
Hospitals, Medical	employee	15
Hospitals, Mental	bed	150
Hospitals, Mental	employee	15
Long-Term Care Institutions	bed	125
Long-Term Care Institutions	employee	15
Prison	inmate	150
Prison	employee	15

Schools

Boarding School	person	150
Schools Without Cafeteria or Showers	person	15
Schools W/Cafeteria & Showers	person	25
Schools W/Cafeteria or Showers	person	20

Travel

Airports	passenger	5
Railway Stations	passenger	5
Bus Stations	passenger	5
Highway Rest Areas	traveler	5

Recreational & Seasonal Areas

Campgrounds W/Mobile Homes	site	150
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TYPE OF ESTABLISHMENT	Unit (per)	Gallons Per Day
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Swimming Pools & Bathing Beaches	person	10
Comfort Sta. W/Toilets & Showers	space	35
Comfort Sta. W/O Showers	space	25
Day Camps W/O Meals	person	25
Day Camps W/Meals	person	35
RV Parks W/Water and Sewer Hook-ups	space	50

Cottages and/or Small Dwellings W/Seasonal Occupancy	bedroom	150
Picnic Parks W/Toilet Facilities Only	person	10

Youth Camps W/O Cafeteria	person	50
Youth Camps W/Cafeteria	person	60
Migrant Labor Camps	person	150
Sanitary Dump Station for Unsewered Site	site	20
Campground W/Central Bath and Toilet Facilities	person	35

Commercial, Industrial & Misc.

Country Clubs, No Kitchen	member	25
Hotels & Motels	bed	50
Places for Public Assembly	person	5
Theaters	seat	5
Churches W/O Kitchen	seat	3
Churches W/Kitchen	seat	6
Restaurants	meal	10
Restaurants W/Bar & Cocktail	meal	12
Offices & Day Workers	person	15
Shopping Centers	(per 1000 sq. ft. of floor area)	250

Stores	toilet	400
Service Stations (served)	vehicle	10
Laundries	customer	50
Construction Camps or Sites, Factories W/Toilets & Showers	person	35
Factories w/Toilets, No Showers	person	20

GALLONS-PER
PERSON
PER-DAY

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TYPE OF ESTABLISHMENT	Unit (per)	Gallons per Day
Type of Establishment	Unitless Otherwise Noted	

=====

Permanent Dwellings	50
Board House	100
Boarding Schools	125
Institutions-Other than hospitals (per bed)	200
Mobile Homes-Individual (per bedroom)	250
Mobile Home Parks (per space)	150
Mult-Family Dwellings (per bedroom)	40
Rooming Houses	200
Single Family Dwellings (per bedroom)	

Travel and Recreational Facilities	5
Airports-Railway Stations-Bus Stations	
Campgrounds	35
Comfort Station-w/toilets-a showers (per space)	25
Comfort Station-w/toilets-no showers (per space)	25
Day campers-no meals	50
Gravel-trailer-parks with water and sewer hook-ups (per space)	150
Cottages and/or Small Dwellings with seasonal occupancy (per bedroom)	25
Country Clubs (per member)	5
Highway Rest Areas	50
Hotels and Motels (per bed)	5
Picnic Parks	5
Places for Public Assembly	10
Swimming Pools and Bathing Beaches	
Theatres	5
Movie (per seat)	10
Drive-in (per car space)	

Commercial-Industrial and Miscellaneous	
Churches (per seat)	3
With kitchen-add (per meat)	3
Construction Cans or Store-Factories	35
With toilets and showers	20
With toiletary-no showers	250
Hospitals (per bed)	

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Laundries (per customer)	50
Offices and other day-workers	15
Restaurants-with toilets (per meat)	10
Restaurants-without toilets (per meat)	3
Additional for bars and cocktail lounges	2
Schools	
Without cafeterias or showers	15
With cafeterias and showers	25
With cafeterias or showers	20
Service Stations (per vehicle served)	5
Shopping Centers (per 1000 sq. ft. floor area)	250
Stores (per toilet room)	400

(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

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Section 905. ILLUSTRATION C List of Approved Plastic Pipe for Private Sewage Disposal System Septic-Uses

TYPES OF PIPES	ASTM STANDARD	BUILDING SEWER (4)(1) OR COMMON COLLECTOR	SEWER LINES(1)	ALL DISPOSITIONS
				FINES SUBSURFACE SEEPAGE SYSTEMS
		5 ft. from building to septic-aeration tank to beyond the septic tank, aeration tank or distribution box	Additional treatment facilities and sand filter collection lines and distribution collection lines	

PVC (Type PS 46)	F789-82	x	x	x
ABS (DWV Schedule 40)	F628-85	x	x	x
ABS (DWV Schedule 40)	D2661-78	x	x	x
ABS	D1527-77	x	x	x
ABS (Sewer Pipe)	D2751-80	x(2)	x(2)	x(2)
PVC	D1785-76	x	x	x
PVC (DWV Schedule 40)	D2665-78	x	x	x
PVC (DWV Schedule 40)	F891-86	x	x	x
PVC (Type PSM) (SDR35)	D3034-80	x(2)	x(2)	x(2)
PVC (Type PSP) (SDR35)	D3033-81	x(2)	x(2)	x(2)
PVC (Type PS-46)	F789-82	x	x	x
PVC (Sewer & Drain PS-50)	F891-86	x	x	x
PVC (Sewer & Drain PS-25)	F891-86	x	x	x
PVC (Corrugated-Smoothwall)	F949-85	x	x	x
PVC (Std. or Perforated)	D2729-80	x	x	x
PE (Smoothwall)	F810-83	x	x	x
	AASHTO			

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Standard
M252-851PE (Corrugated-
Perforated)

F405-82 (3)

(Heavy Duty Only)

x

PE (Corrugated-
Perforated)

F667-84

x

x - Indicates approved use.

(1)- Commingling of plastic materials shall not be done within this area except through the use of proper adapters. (See Illinois Plumbing Code (77 Ill. Adm. Code 890).) When the building sewer is of a type of material that is different from the building drain, proper transition fittings shall be used.

(2)- Pipe shall be note-have-an SDR (Standard Dimension Ratio) number-greater than 35 only.

(3) Heavy-Duty-(only)

Note: The last 2 two numbers of the ASTM Standard indicate indicates the date of the edition.

(Source: Amended at 20 Ill. Reg. **2431** = ---, effective MAR 15 1986)

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(3)-See Section 905.20(d) for additional details on water line and sewer separation. This includes lawn irrigation piping.
(Source: MACT 1998 at 20 Ill. Reg. 2431, effective

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Section 905. ILLUSTRATION D Location of Components of Private Sewage Disposal Systems{+}

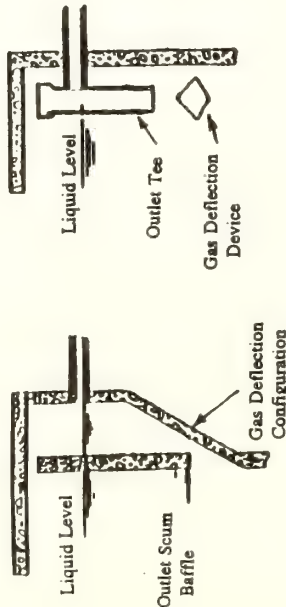
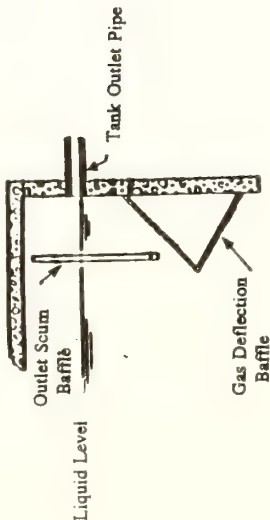
MINIMUM DISTANCE ALLOWABLE FROM									
COMPONENT PART OF SYSTEM	Cistern Well, or Suction Line from Pump to Well	Water Supply Line(3) Pressure of Water	Lake, Stream In ground Swimming Pool or Other Body Dwelling Line	Property Dwelling Line	Property Dwelling Line	Property Dwelling Line	Property Dwelling Line	Property Dwelling Line	Artificial Drain Field Drain Pit
	FEET	FEET	FEET	FEET	FEET	FEET	FEET	FEET	FEET
Building Sewer(2)	50	10	25	-	-	-	-	-	-
Septic Tank or Aerobic Treatment Plant	50	10	25	5	5	5	5	5	-
Distribution Box	75	10	25	10	5	5	5	5	-
Subsurface Seepage System	75	25	25	10	5	5	5	5	10
Sand Filter	75	25	15	10	5	5	5	5	10
Privy	75	25	25	20	5	5	5	5	10
Waste Stabilization Pond	75	25	25	20	5	5	5	5	10
Seepage-pit	100	25	25	10	5	5	5	5	10
Surface Discharge Effluent Line(2)	50	10	-	-	5	5	5	5	-
Effluent Receiving Trench	75	25	15	10	5	5	5	5	10

- (1)-These distances have been determined for use in clay, silt and loam soils only. The minimum distances required for use in sand or other types of soil shall be determined for the proposed private sewage disposal system and approved by this Department. Such approval will be given where the Department determines determined that the soil will provide treatment of the sewage.
- (2)-The building sewer or surface discharge effluent line may be located to within 10 feet of a well or suction line from the pump to the well when cast iron pipe with mechanical joints or Schedule 40 PVC pipe with watertight water-tight joints is used for the building sewer or surface discharge effluent line.

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Section 905. EXHIBIT C Typical Gas Deflection Devices



(Source: Adopted MAR 15 1996 20 ILL. Reg. effective

2431 effective

Section 905. ILLUSTRATION F Minimum Volumes for Septic Tanks Serving Residential Units

NUMBER OF BEDROOMS	MINIMUM LIQUID CAPACITY OF TANK (GALLONS)	MINIMUM LIQUID CAPACITY OF TANK (GALLONS) WHEN GARBAGE GRINDER IS USED
2 or less	750	1250
3	1000	1500
4	1250	2000
5	1500	2200
6	1750	2600
7	2000	3000

(Source: Amended at 20 ILL. Reg. 2431 effective MAR 15 1996)

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Section 905. ILLUSTRATION G Instructions for Conducting Percolation Tests

Percolation tests shall not be made in frozen ground or ground that has been filled in the preceding 12 months. Percolation tests shall be performed in accordance with the following procedures:

1. **Number and Location of Percolation Tests.** ~~TYPE OF TEST-HOLE:~~ Select an area where the seepage field will be located. When digging the holes, avoid animal burrows, large root channels, etc. At least 3 separate percolation tests shall be performed at the site of each proposed disposal area. The percolation test holes shall be at least 50 feet apart. At least one hole shall be located at the lowest elevation of the proposed absorption field area. ~~Three--holes--should--be--made--if--channels--or--a--variation--in--soil--occurs, the~~ The two 2 holes with the highest most similar results shall be used to determine percolation rate.

2. **Depth of Percolation Test Hole.** Dig or bore the holes with horizontal dimensions approximately four 4 to six 6 inches in diameter to the depth of the proposed seepage field or seepage bed.

3. **Preparation of Test Hole.** ~~PREPARATION OF TEST-HOLE:~~
 - a) Carefully pick the bottom and sides of the hole with a knife blade or sharp pointed instrument to remove smeared or smoothed soil and to provide a natural soil interface into which water may percolate.
 - b) Remove all loose material from the hole.
 - c) Add two 2 inches of coarse gravel to protect the bottom from scouring and sediment. A removable hardware cloth screen to line the lower part of the hole also helps prevent sloughing of the hole sides during testing.

4. **SATURATION-AND-SWELLING-OF-SOIL:** Saturation and Swelling of Soil: ~~IN-MOIST SOIL--KEEP-WATER-IN-THE-HOLE-BY-CAREFULLY-FILLING-THE-HOLE-AND-KEEPING-IT-FULL-FOR-AT-LEAST-FOUR-HOURS-BEFORE-CONDUCTING-THE-TEST.~~ It is important to distinguish between saturation and swelling. Saturation means the void spaces between soil particles are full of water. This can be accomplished in a very short period of time. Swelling is caused by the intrusion of water into the individual soil particle. This is a slow process, especially in a clay type soil and is the reason for requiring a prolonged soaking period.
 - a) On the day prior to conducting the percolation test, carefully fill the hole with water and keep it full for at least 4 hours. The percolation test shall be conducted on the day following this presoaking at least 18 hours after presoaking is completed but prior to 30 hours after presoaking is completed. Cover the hole during this 18-30 hour waiting period. In sandy soils with greater than 70% sand

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and less than 15% clay (sand and loamy sand), after the 4 hour presoak, a percolation test may be attempted without the 18 hour waiting period. If the percolation test results are greater than 45 minutes for a 6 inch drop in water, the test must be repeated after the 18 hour waiting period. If the percolation test results are 45 minutes or less, the percolation rate shall be used to size the system.

- b) On the day of conducting the percolation test, carefully fill the hole with water to 12 inches above the gravel.
- c) Allow the water level to drop to a point 6 inches above the gravel. If the water does not fall from 12 inches to 6 inches in 6 hours, the percolation test is terminated and an alternate system is required.
- d) Measure the last 6 inch drop in water level at thirty minute intervals until all the water has seeped away.

~~At-the-time-of-the-test, adjust--the--water-level--to--twelve--inches--above--the--gravel--Allow--the--level--to--drop--six--inches--then--commence--measuring--the--drop--in--water-level--at--thirty-minute-intervals--until--all--the--water--has--seeped--away.~~

WARNING: Under no conditions shall measurements be taken on from water filled to the top of the hole or on water twelve 12 inches deep in the hole. Such results are completely invalid and will not be accepted. ~~SUCH--RESULTS--ARE--COMPLETELY--INVALID--AND--WILL--NOT--BE--ACCEPTED. RESULTS FROM THE LAST 6 INCHES OF DROP IN WATER ARE THE ONLY RESULTS THAT WILL BE ACCEPTED.~~

5. **RECORDING-OF--RESULTS** Recording of Results: Record results of all tests as the total minutes required for the last six 6 inches of seepage. If the last six 6 inches of water has not seeped away at the end of six 6 hours, the soil must be considered unsuitable for seepage field disposal and the appropriate statement marked on the results form. If there is more than a 30 minute difference between the highest 2 percolation tests, use the larger result or perform additional percolation tests.

6. **Calculating the Percolation Rate.** Add the total minutes required for the last 6 inches of water to fall from the 2 holes with the highest result and divide by 2. If the average is less than 60 minutes, use the percolation rate of 60 minutes. If the average is greater than 60 minutes, refer to Section 905. Appendix A: Illustration H of this Part. Locate in the first column (Time (minutes)) required for last 6 inches of water to fall) where the highest 2 hole average fits and use the next highest result as the percolation rate for sizing and design. An example of this procedure is as follows: If 3 percolation tests are conducted with results of 120 minutes, 140 minutes, and 155 minutes, the highest 2 hole average would be $(140 + 155)/2$ or 147.5 minutes. Looking at Section 905. Appendix A: Illustration H of this Part, the next highest result would be 150 minutes. The 150 minute rate would be used to size and design the subsurface seepage system.

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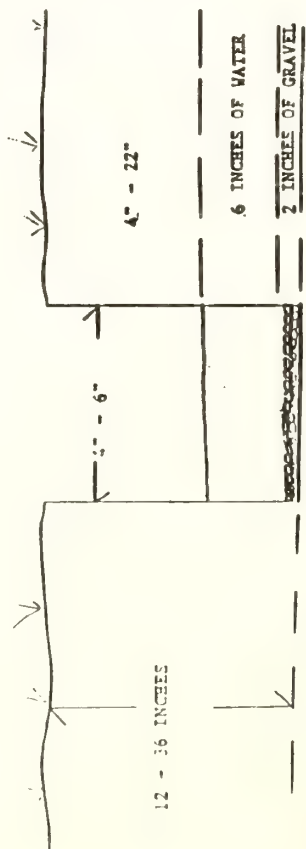
4	90
5	120
6	150
7	180
8	210
9	240
10	270
11	300
12	330
13	360

(Source: Amended at 20 Ill. Reg **2431** effective
MAR 15 1996)

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given to the homeowner and shall be retained by the contractor for at least **five** 5 years. The percolation test **date** data report shall be returned to the appropriate regional office or local authority.

TEST HOLE:



AT LEAST TWO SEPARATE PERCOLATION TESTS SHALL BE PERFORMED AT THE SITE OF EACH PROPOSED DISPOSAL AREA.

Percolation tests shall not be made in frozen grounds or ground that has been fitted in the preceding twelve months.

READING #	TEST HOLE #1		TEST HOLE #2		TEST HOLE #3	
	TIME (in min.)	WATER LEVEL (in inches)	TIME (in min.)	WATER LEVEL (in inches)	TIME (in min.)	WATER LEVEL (in inches)
1	0		0		0	
2	30		30		30	
3	60		60		60	

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Section 905. ILLUSTRATION H Subsurface Seepage System Size Determination
Section 905. EXHIBIT A Gravel System

Time (minutes) required for last 6 inches of water to fall	FOR RESIDENTIAL USE Required Absorption Area (sq ft)/bedroom	FOR INSTITUTIONAL OR COMMERCIAL USE Allowable application rate (GPD/sq ft)(5)	Recommended depth from bottom of the trench to the limiting layer
10-30	130	176	
18-60	165200	1721.0	
90	210	170.95	3 feet
120	235	179.85	
150	265	180.75	
180	290	177.69	
240	320	176.62	
300	350	176.57	2 feet
360	385	175.52	

NOTE:

1. If there is more than a 30-minute difference between percolation tests, use the larger result or perform another percolation test.
2. Absorption area is figured as trench bottom area in absorption trenches effective side wall area in seepage pits and bottom area in seepage beds.
3. Seepage beds require 1 1/2 times the seepage field absorption area specified.
4. Over 100 is unsuitable for seepage pits.
5. Over 360 is unsuitable for subsurface seepage systems.
6. Under 18 is unsuitable for subsurface seepage systems.

5. Divide the required total gallons per day by this number to get the number of square feet required.

(Source: Amended at 20 Ill. Reg. 12431 effective MAR 15 1996)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 905. ILLUSTRATION I Seepage Field Construction

Section 905. EXHIBIT A Standards Gravel System

Trench length, maximum length from point of discharge into seepage trench	100 feet
Trench bottom, minimum width	8 in.
Trench bottom, maximum width	36 in.
Trench bottom, minimum depth	18 in.
Trench bottom, maximum depth	36 in.
Trench bottom, slope	level
Distribution line, minimum diameter	4 in.
Distribution line, minimum earth cover	6 in.
Distribution line, maximum earth cover	24 in.
Distribution line, maximum slope	level

(Source: Amended at 20 Ill. Reg. 2431 effective MAR 1 1896)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

Section 905. EXHIBIT B Gravel-less-Gravelless System

Time (minutes) required for last 6 inches of water to fall	FOR RESIDENTIAL USE Required Absorption Area Piping (Linear feet/Bedroom) fall	FOR INSTITUTIONAL OR COMMERCIAL USE Allowable application rate (GPD/Linear Foot)(3)	Recommended depth from the bottom of the trench to the limiting layer
18-30	65	3-2	4-9
18-60	95	2-4	3-6
90	105	2-1	2-8
120	120	1-1	2-7
150	135	1-1	2-4
180	145	1-1	2-2
240	160	1-1	1-8
300	175	1-1	1-6
360	195	1-0	1-5

NOTE:

- If there is more than a 30-minute difference between percolation tests, use the larger results or perform another percolation test.
- Absorption area is figured as trench-bottom area in absorption trenches and bottom area in seepage beds.
- Seepage beds require 1-1/2 times the seepage field absorption area specified.
- Over 360 is unsuitable for subsurface seepage systems.
- Under 18 is unsuitable for subsurface seepage systems.
- Divide the required total gallons per day by this number to get the number of lineal feet required.

(Source: Amended 5 1896 20 Ill. Reg. 2431 effective MAR 1 1896)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905. EXHIBIT C Standards---Gravel-less-Gravelless System

STANDARDS FOR SEEPAGE FIELD CONSTRUCTION (GRAVELLESS) (GRAVEL-LESS)

Trench Length, maximum length from point of discharge into system	100 feet
Trench Bottom, minimum width	18 inches
Trench Bottom, maximum width	24 inches
Trench Bottom, minimum depth	18 inches
Trench Bottom, maximum depth	36 inches
Trench Bottom, slope	level
Distribution Line, minimum inside diameter	8 inches
Distribution Line, maximum inside diameter	10 inches
Distribution Line, minimum earth cover	6 inches
Distribution Line, maximum earth cover	24 inches
Distribution Line, maximum slope	level

(Source: Amended F. 1996, effective

2431

Reg.

Ill.

20

MAR 15 1996

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905. EXHIBIT D Size and Spacing - Gravel-less Gravelless System

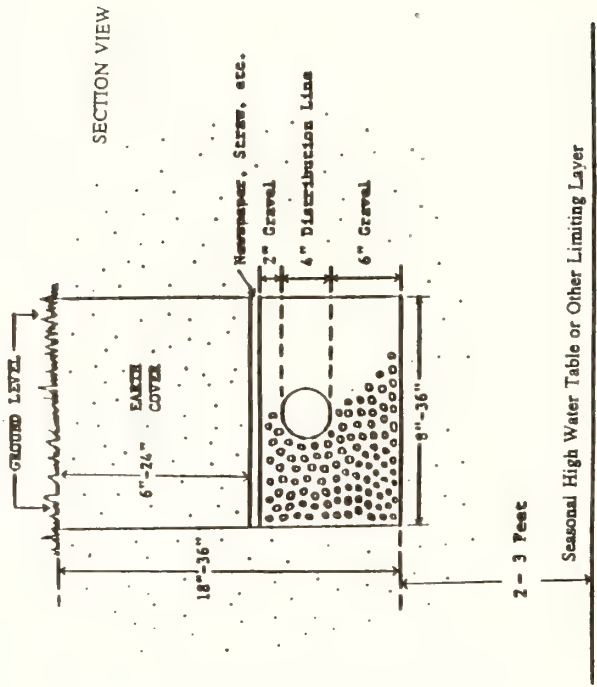
SIZE AND SPACING FOR SEEPAGE FIELD CONSTRUCTION (GRAVEL-LESS GRAVELLESS)

Inside Diameter of Gravel-less Gravelless Drainfield	Minimum Center to Center Spacing of Distribution Lines	Effective Absorption Area Per Lineal Foot of Trench
8 inches I.D.	7.0	2.0
10 inches I.D.	7.0	3.0
(Source: Amended at 20 Ill. Reg.		2431
		effective

MAR 15 1996

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT B Section View - Gravel System



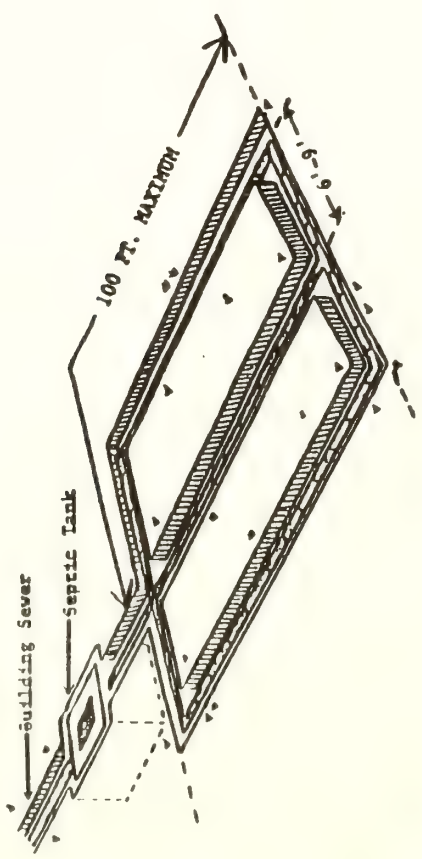
(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

2431

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905. ILLUSTRATION J Septic Tank Subsurface Seepage Field

Section 905. EXHIBIT A Plan View - Gravel System

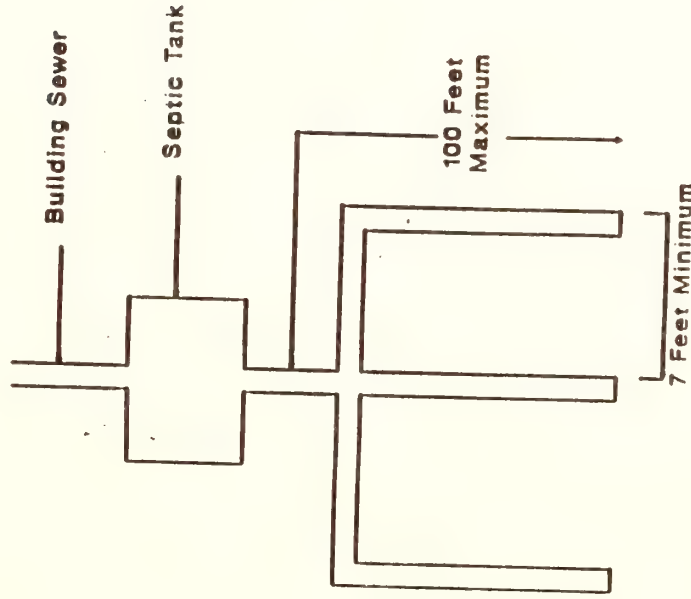


(Source: AMAR 15 1996 20 Ill. Reg. effective
2431)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT C Plan View - Gravel-less Gravelless System

PLAN VIEW

(Source: Amended
MAR 15 1996

at

20

Ill.

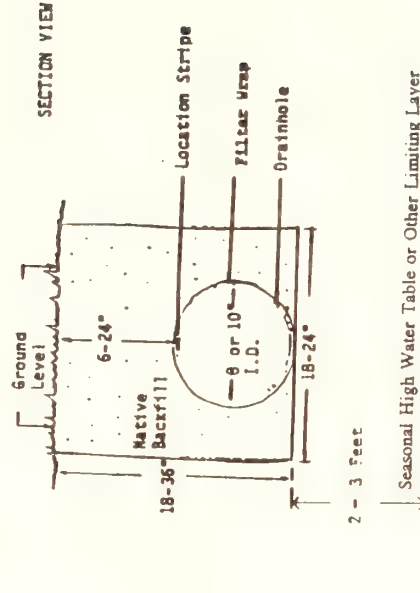
Reg.

2431

effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT D Section View - Gravel-less Gravelless System(Source: Amended
MAR 15 1996

at

20

Ill.

Reg.

2431

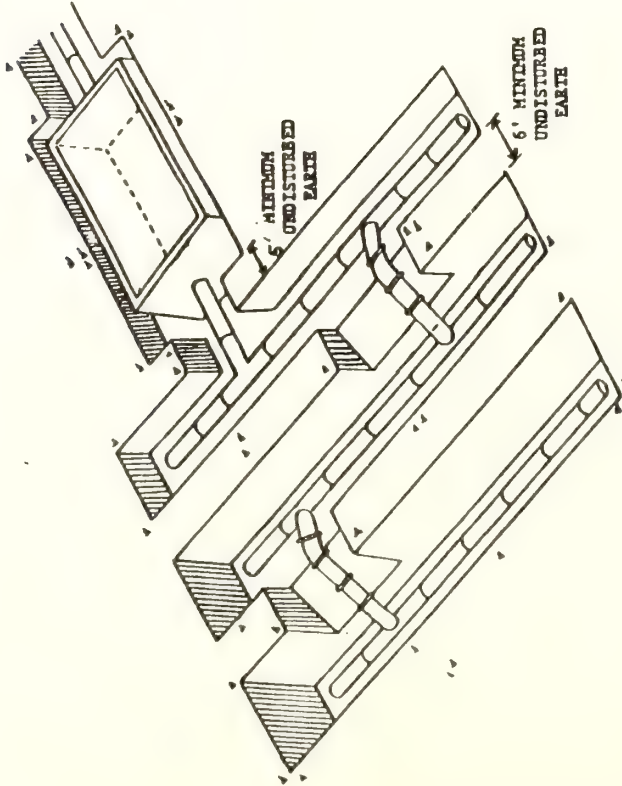
effective

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

96

Section 905. ILLUSTRATION K Serial Distribution

Section 905. EXHIBIT A Plan View #1 - Gravel System



(Source: Amendment 1 to 1996)

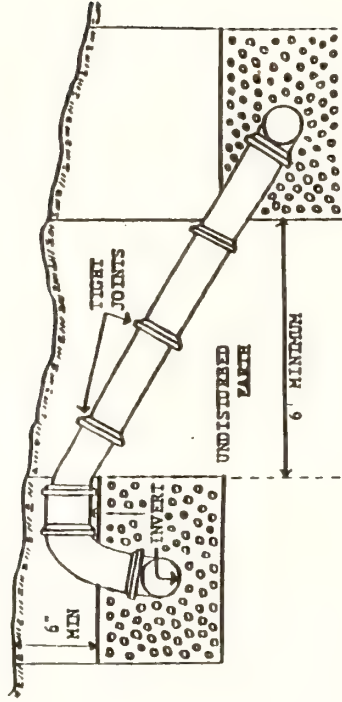
Ill. Reg.

effective

2431

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT B Section View #1 - Gravel System



NOTE: Invert of the first relief line must be at least 6" 1 inch lower than invert of the septic tank outlets.

2431

(Source: Amended at 20 Ill. Reg. effective

DEPARTMENT OF PUBLIC HEALTH

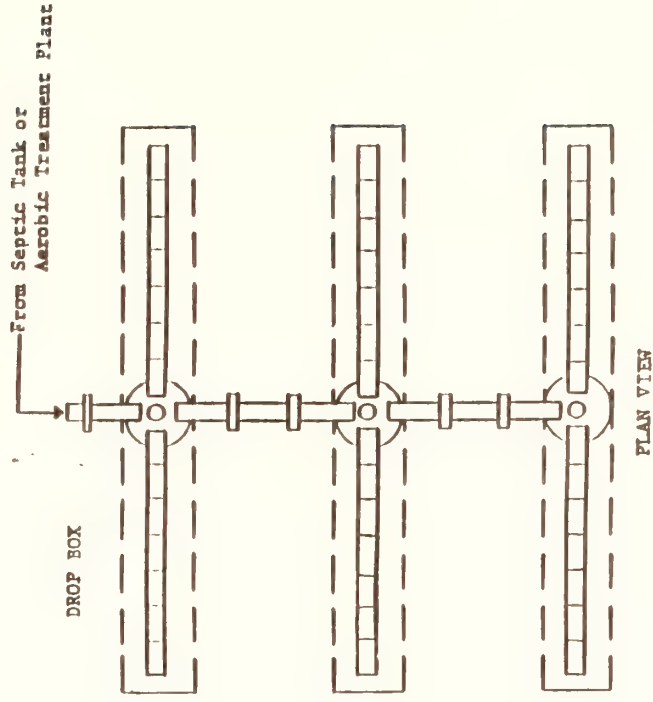
NOTICE OF ADOPTED AMENDMENTS

MAR 15 1936

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905, EXHIBIT 'C' Plan View #2 - Gravel System

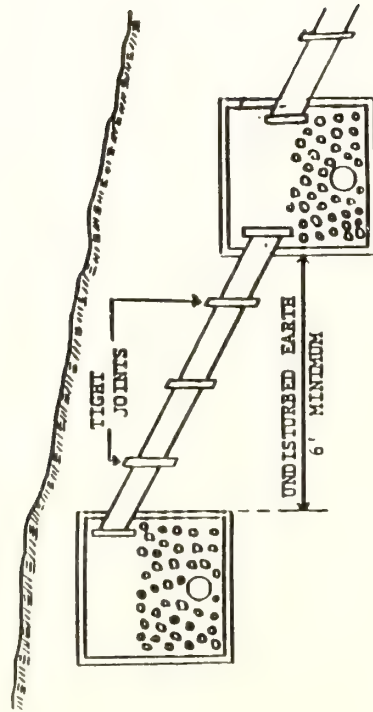


(Source: Amended MAR 15 1936 20 Ill. Reg. 2431 effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905, EXHIBIT D Section View #2 - Gravel System



** Differing ground slopes over subsurface disposal fields may require
use of various combinations of fitting **2431**

(Source: **MAR 15 1996** 20 Ill. Reg. _____, effective
_____)

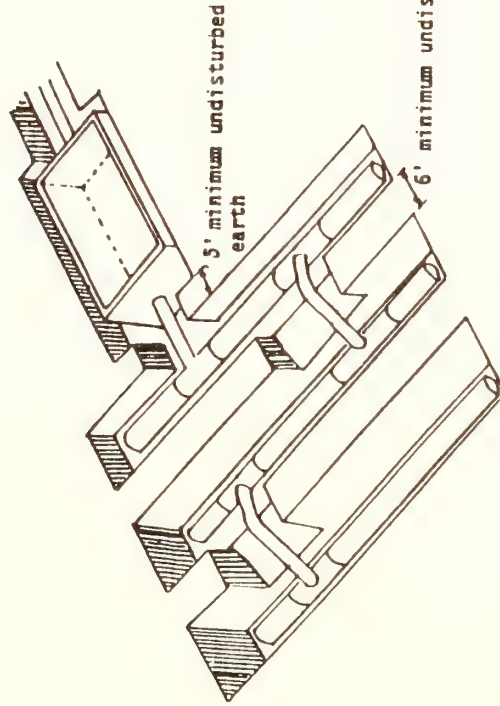
DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

MAR 15 1996 _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

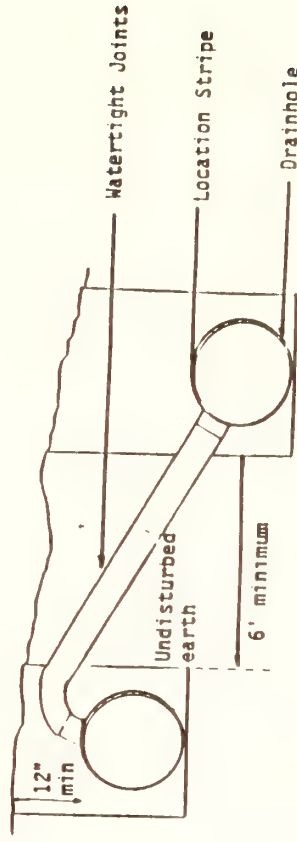
Section 905. EXHIBIT E Plan View #1 - Gravelless Gravel-less System

(Source: Amended at 20 Ill. Reg. effective
MAR 16 1996)

2431

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT F Section View #1 - Gravel-less Gravelless System

NOTE: Invert of the septic tank outlet shall be at least one inch higher than the top of the gravelless pipe.

Bottom-of-inlet-pipe-from septic-tank-must-be-in-higher-than top-gravel-less-pipe

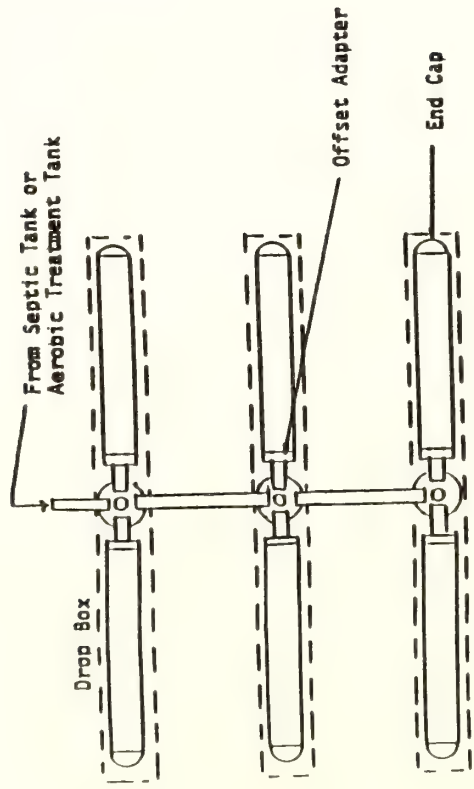
(Source: Amended at 20 Ill. Reg. effective
MAR 16 1996)

2431

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT G Plan View #2 - Gravelless Gravel-less System



PLAN VIEW

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

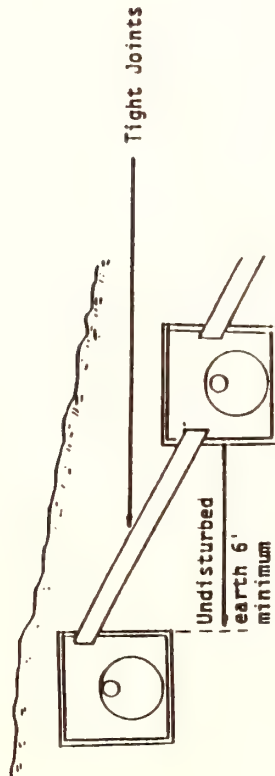
MAR 15 1996)

(Source: Amended 5-8-96 20 Ill. Reg. effective 2431)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT H Section View #2 - Gravelless Gravel-less System

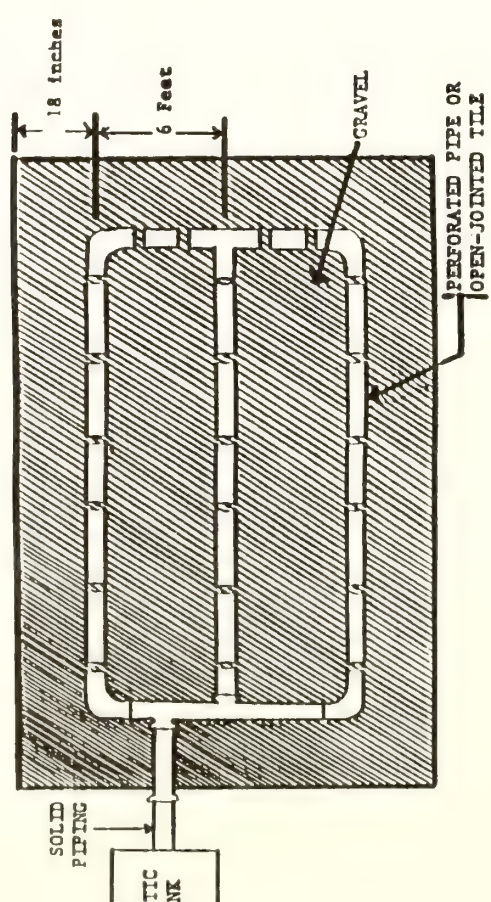


(Source: ~~AdmARed 15 1986~~ 20 Ill. Reg. 2431, effective

DEPARTMENT OF PUBLIC HEALTH

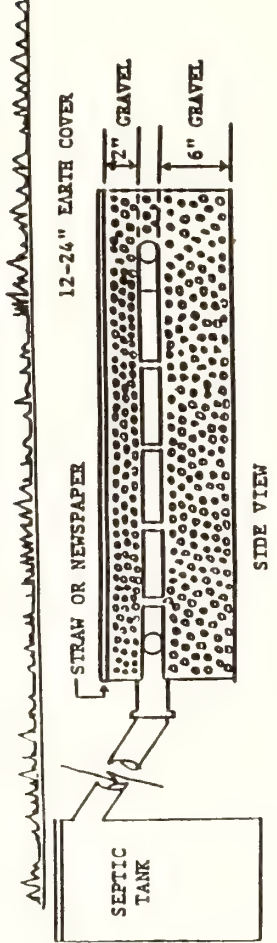
NOTICE OF ADOPTED AMENDMENTS

MAR 15 1996)



(Source: Amended at 20 Ill. Reg. effective
MAR 1 1936)

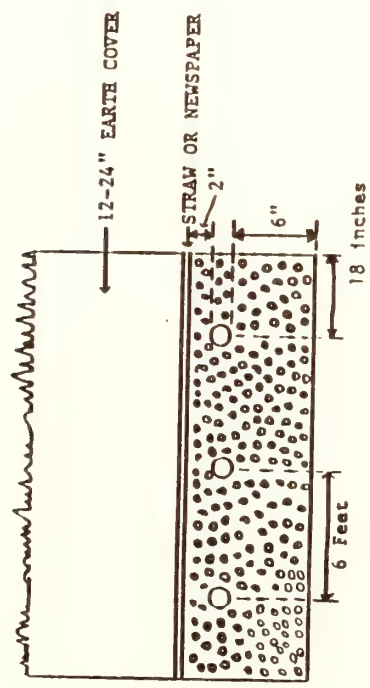
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(Source: Amended at 20 Ill. Reg. effective
MAR 1 1936)

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Section 905. EXHIBIT C End View



(Source: Amended at 20 Ill. Reg. effective MAR 15 1996)

Section 905. ILLUSTRATION M Seepage-Pits- Soil Suitability for On-Site Sewage Design

Section 905. EXHIBIT A Vertical Wall-Areas Loading Rates in Square Feet Per Bedroom and Gallons/Square Feet/Day

Design Group	Soil Group (Most limiting Layer)	Minimum Separation To Limiting Layer, ft	Permeability Range	Size of System	
				Residential Req. Absorption (ft ² /bedroom)	Institutional/Commercial Allowable Application Rate (GPD/ft ²)
I	1A	N/A	Very Rapid	N/A	N/A
II	2A, 2B, 2K	3 feet	Rapid	200	1.0
III	3B, 3K	3 feet	High Moderately Rapid	220	0.91
IV	3A, 3C, 3L, 4B, 4K	3 feet	Low Moderately Rapid	240	0.84
V	4A, 4C, 4D, 4L, 4M, 5B, 5D	3 feet	Very High Moderate	265	0.75
VI	5C, 5E, 5K, 6F	3 feet	High Moderate	290	0.69
VII	5A, 5H, 6D	2 feet	Moderate	325	0.62
VIII	4N, 5I, 5L, 6A, 6E, 6G, 6K	2 feet	Low Moderate	385	0.52
IX	5J, 5M, 6C, 6H, 6L, 7A, 7D, 7F	2 feet	High Moderately Slow	445	0.45
X	6I, 7E, 7G, 8A	2 feet	Low Moderately Slow	500	0.40
XI	5N, 6J, 6M, 7I, 7K	2 feet	Slow	740	0.27
XII	7J, 7L, 8I	2 feet	Very Slow	1000	0.20
XIII	6N, 7M, 7N, 8J, 8N	N/A	N/A	N/A	0.00
XIII	9	SUBSURFACE DISPOSAL NOT RECOMMENDED			

NOTICE OF ADOPTED AMENDMENT(S)

Section 905.EXHIBIT B Construction-Views Key for Determining Sewage Loading Rates (Gallons/Square Feet/Day)

NOTES:

(1) Limiting layers include fragipans; bedrock; compact glacial tills; seasonal high water table or other soil profile features that will materially affect the absorption of liquid from the disposal field.

(2) Soils in this group are less than the minimum percolation rate established in Section 905.Illustration H of this Part as suitable for subsurface seepage systems.

DIAMETER-OF EFFECTIVE-DEPTH-BELOW-INLET-IN-Feet

SEEPAGE-RATE

IN-Feet

1 2 3 4 5 6 7 8

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

(Source: Section repealed, new Section added at 20 Ill. Reg. 2431, effective MAR 15 1996)

NOTICE OF ADOPTED AMENDMENTS

NOTES:

(1) Limiting layers include fragipans; bedrock; compact glacial tills; seasonal high water table or other soil profile features that will materially affect the absorption of liquid from the disposal field.

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DIAMETER-OF EFFECTIVE-DEPTH-BELOW-INLET-IN-Feet

SEEPAGE-RATE

IN-Feet

1 2 3 4 5 6 7 8

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

(Source: Section repealed, new Section added at 20 Ill. Reg. 2431, effective MAR 15 1996)

NOTICE OF ADOPTED AMENDMENT(S)

Section 905.EXHIBIT B Construction-Views Key for Determining Sewage Loading Rates (Gallons/Square Feet/Day)

Structure and Parent Material	Single grain: Granular; Perv (2)	Angular and Subangular Blocky: Prismatic												Structures or Masses											
		Loose: Outwash						Till: Lacustrine						Loose: Outwash						Till (3): Lacustrine					
		Weak		Strong		Moderate: Strong		Loose: Outwash		Till: Lacustrine		Weak		Strong		Moderate: Strong		Loose: Outwash		Till (3): Lacustrine					
Most Consistence	0.5	1.0	1.5	2.0	2.5	3.0	3.5	4.0	4.5	5.0	5.5	6.0	6.5	7.0	7.5	8.0	8.5	9.0	9.5	10.0	10.5	11.0	11.5		
Texture																									
1. Fragmental: Ext. or very gravelly sand; Gravelly sand; Coarse sand; Gravelly loamy sand	> 1.00 (4)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
2. Medium sand; Sandy loam; Coarse sand; Loamy sand; Coarse sandy loam	1.00	1.00	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
3. Fine sand; Loamy fine sand	0.84	0.91	0.8	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
4. Sandy loam; Fine sandy loam; Gravelly loam; Gravelly loam; Gravelly silt loam	0.75	0.84	0.7	0.75	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
5. Loam; Silt loam; Very fine sandy loam; Sandy loam; Silt; Very fine sand; Loamy very fine sand	0.62	0.75	0.6	0.75	0.69	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
6. Silty clay loam (<35% c); Clay loam (<35% c)	0.52	N/A	(6) 0.4	0.62	0.52	0.69	0.52	0.69	0.52	0.69	0.52	0.69	0.52	0.69	0.52	0.69	0.52	0.69	0.52	0.69	0.52	0.69	0.52	0.69	
7. Silty clay loam (>35% c); Clay loam (>35% c); Sandy clay (<40% c)	0.45 (6)	N/A	N/A	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	(6) 0.40	(6) 0.45	
8. Sandy clay (>40% c); Silty clay	0.40 (6)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
9. Clay; Clay loam; Sandy clay; Silty clay	0.40 (6)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

SOIL PROPERTIES HAVE VERY SEVERE LIMITATIONS: SUBSURFACE DISPOSAL NOT RECOMMENDED

SOIL PROPERTIES HAVE VERY SEVERE LIMITATIONS: SUBSURFACE DISPOSAL NOT RECOMMENDED

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

FOOTNOTES:

- (1) Disturbed soils are highly variable and require special on-site investigations.
- (2) Moderate or strong platy structure for the soil textures in Group 5 have a loading rate of 0.40 g/d/ft. Platy structure having firm or very firm consistency and/or caused by mechanical compaction has a loading rate of 0.0 g/d/sq. ft.
- (3) Weakly structured BC horizons and basal glacial tills structured by geogenic processes have the same loading rates as structureless glacial till.
- (4) This soil group is estimated to have very rapid permeability and exceeds the maximum established rate in Section 905. Illustration H, Exhibit A of this Part.
- (5) N/A means not applicable.
- (6) These soil groups are estimated to have moderately slow to very slow permeability and are less than the minimum established rate in Section 905. Illustration H, Exhibit A of this Part.

(Source: Section repealed, new Section added at 20 Ill. Reg.

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NOTICE OF ADOPTED AMENDMENTS

MAR 15 1996

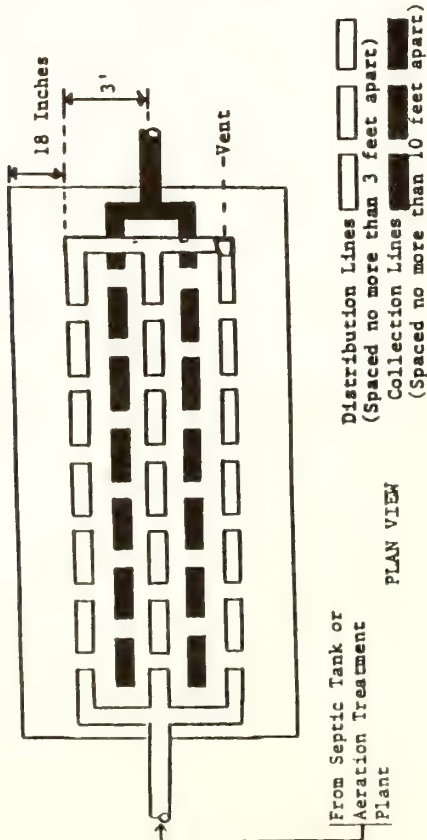
effective

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DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905. ILLUSTRATION N Buried Sand Filter

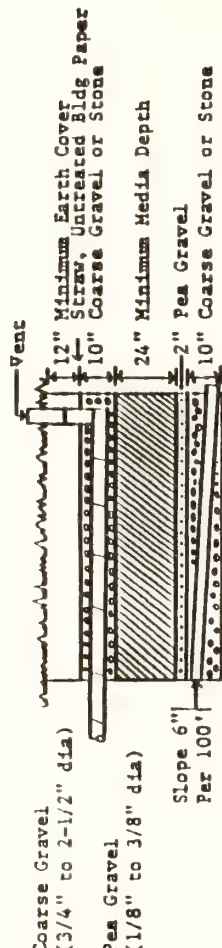
Section 905. EXHIBIT A Plan View



(Source: Amended MAR 15 1996 20 Ill. Reg. 2431 effective)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT B Section View

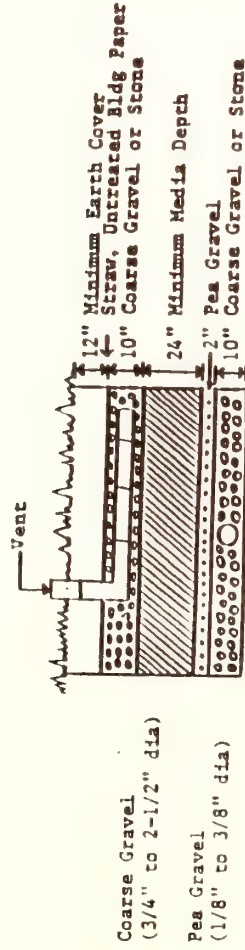


(Source: Amended MAR 15 1996 20 Ill. Reg. 2431 effective)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905.EXHIBIT C End View



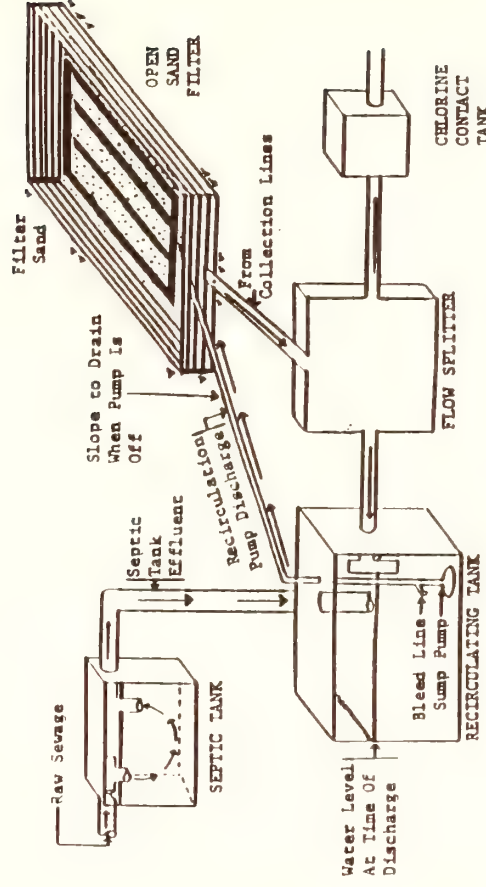
(Source: Amended at 20 Ill. Reg. 2431, effective MAR 15 1996)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905.ILLUSTRATION O Recirculating Sand Filter System

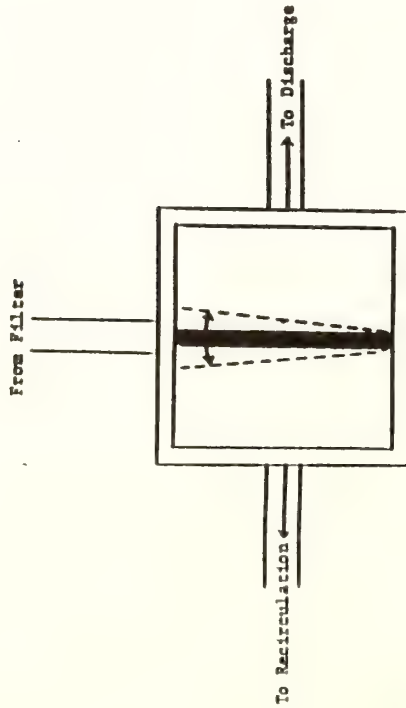
Section 905.EXHIBIT A System Diagram



(Source: Amended at 20 Ill. Reg. 2431, effective MAR 15 1996)

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905.EXHIBIT B Flow Splitter Detail



FLOW SPLITTER DETAIL

(Source: MAR 15 1996 20 Ill. Reg. 2431 effective

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

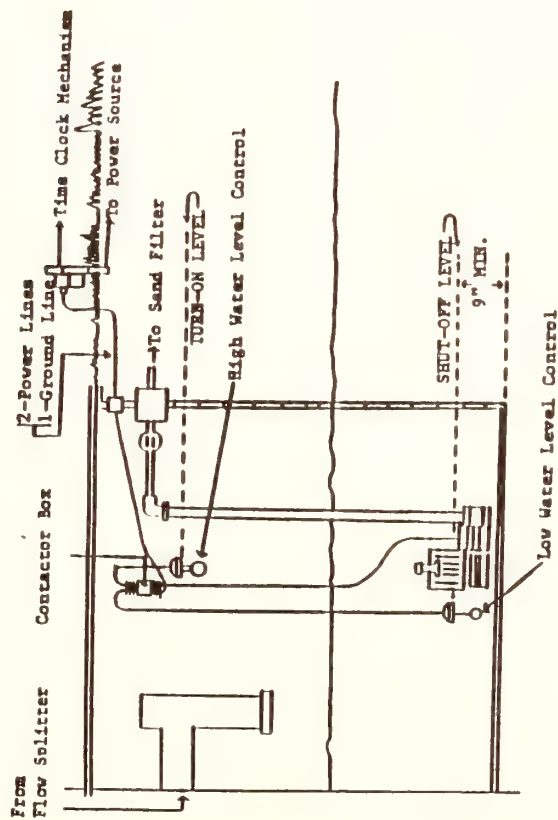
Section ILLUSTRATION P Recirculating Sand Filter Sizing Chart

NUM- BER OF BED- ROOMS	SEW- AGE FLOW PER DAY (Gal.)	SEP- TIC TANK SIZE (Gal.)	RECIRCU- LATION TANK SIZE (Gal.)	AREA OF SAND FILTER (Sq.ft.)	RECOM- MENDED SIZE OF SAND FILTER	NUM- BER OF UNDER- DRAINS	NUM- BER OF DISTRIBU- TION PIPES
1	200	750	500	100	10'x10'	1	3
2	400	750	500	133	11'x12'	1	3
3	600	1,000	500	200	14'x14'	1	4
4	800	1,250	500	266	16'x17'	1	5
5	1,000	1,500	500	333	18'x19'	2	6
6	1,200	1,750	500	400	20'x20'	2	6
7	1,400	2,000	500	466	20'x23'	2	6
8	1,500	2,250	500	500	20'x25'	2	6
(Source: Amended at 20 Ill. Reg. <u>2431</u> effective						<u>MAR 15 1996</u>	

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NOTICE OF ADOPTED AMENDMENT(S)

Section 905. ILLUSTRATION Q Recirculating Tank Pump Control



2431

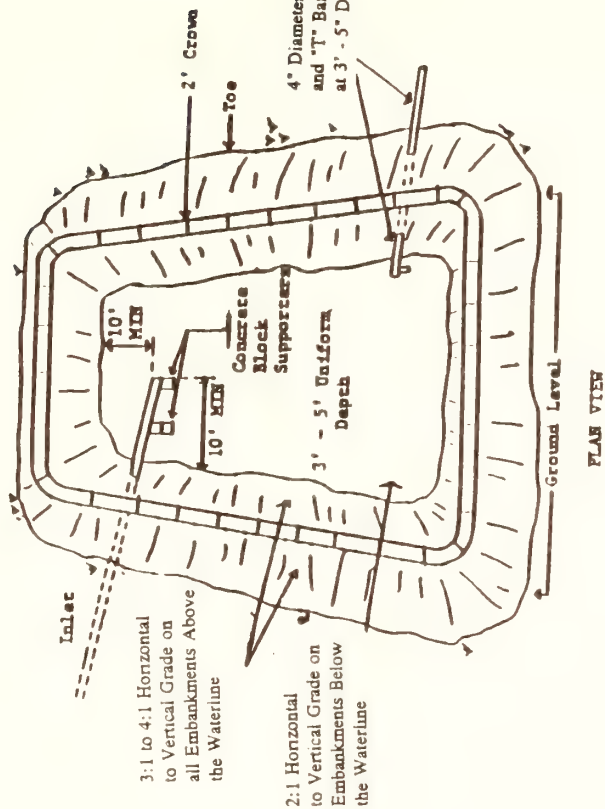
(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. ILLUSTRATION R Waste Stabilization Pond

Section 905. EXHIBIT A Plan View



PLAN VIEW

2431

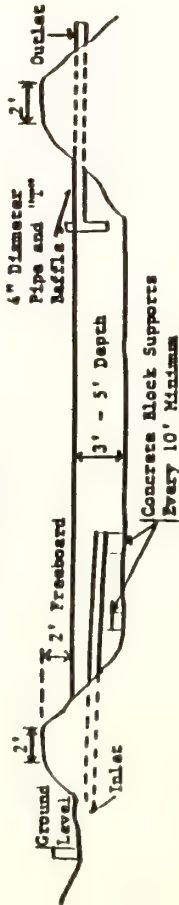
(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT B Section View

SECTION VIEW



(Source: ~~MARCH~~ 1996t 20 Ill. Reg. 2431 effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

Section 905. EXHIBIT C Waste Stabilization Pond Surface Area in Square Feet

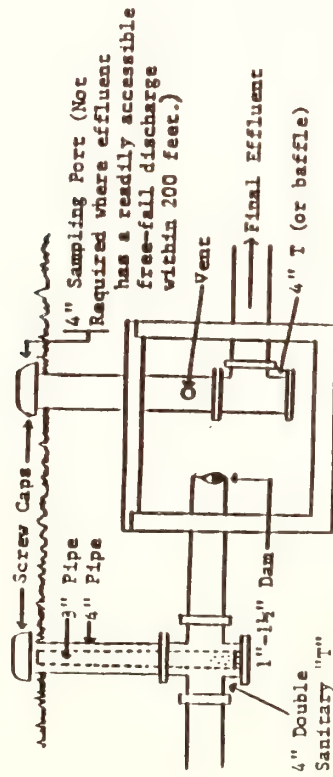
Bedrooms	With Septic Tank			With Aeration		
	Depth - 3 ft.	4 ft.	5 ft.	3 ft.	4 ft.	5 ft.
1	533 1/3	400	320	160	120	96
2	1067	800	640	320	240	192
3	1600	1200	960	480	360	288
4	2133	1600	1280	640	480	384
5	2667	2000	1600	800	600	480
6	3200	2400	1920	960	720	576
7	3733	2800	2240	1120	840	672

(Source: Added 1 at 20 Ill. Reg. 2431 effective

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT B Chlorine Feeder, Contact Tank, and Sampling Port



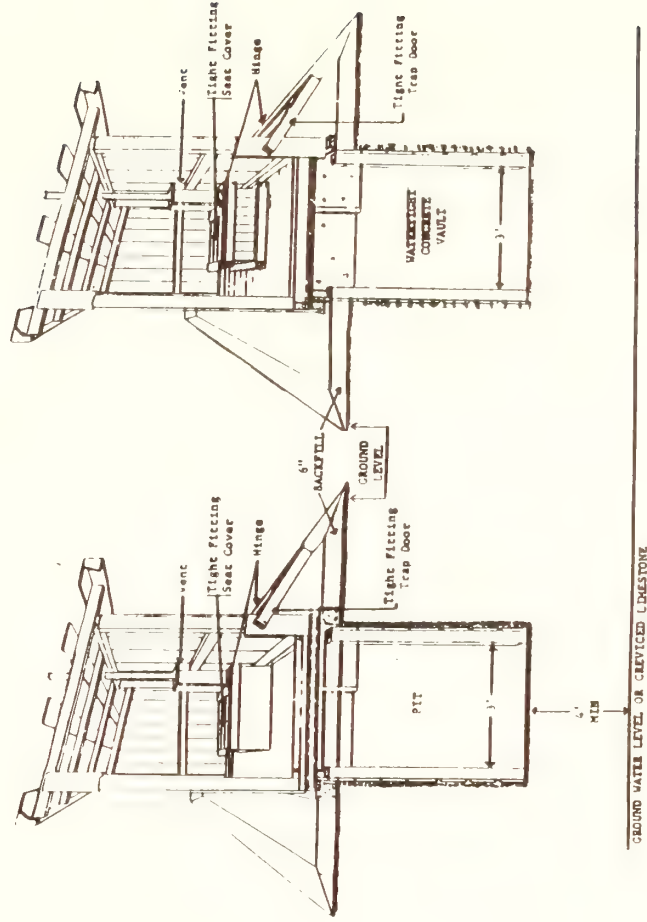
(Source: Amended at 20 Ill. Reg. effective
MAR 1 8 1906)

2431

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. ILLUSTRATION T Sanitary and Concrete Vault Privy



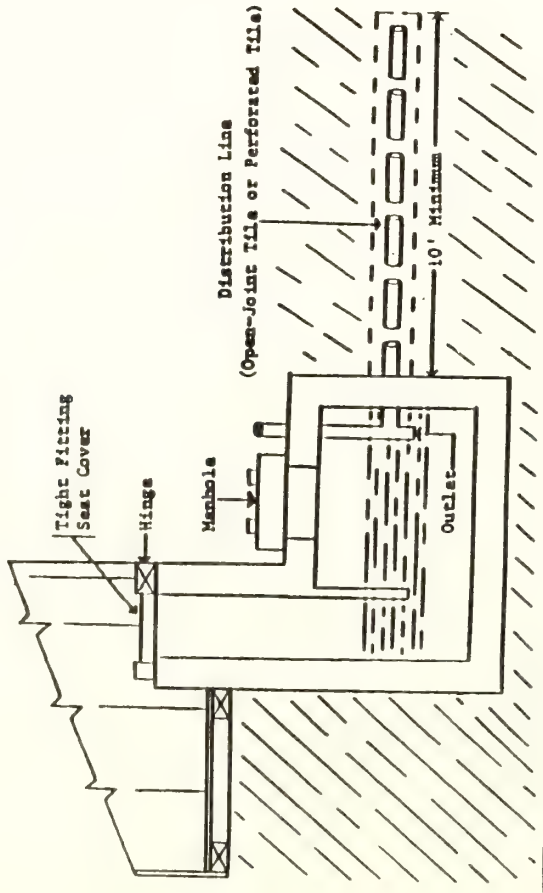
(Source: Amended at 20 Ill. Reg. effective
MAR 1 8 1906)

2431

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. ILLUSTRATION U Septic Privy Distribution System

Section 905. EXHIBIT A Plan View



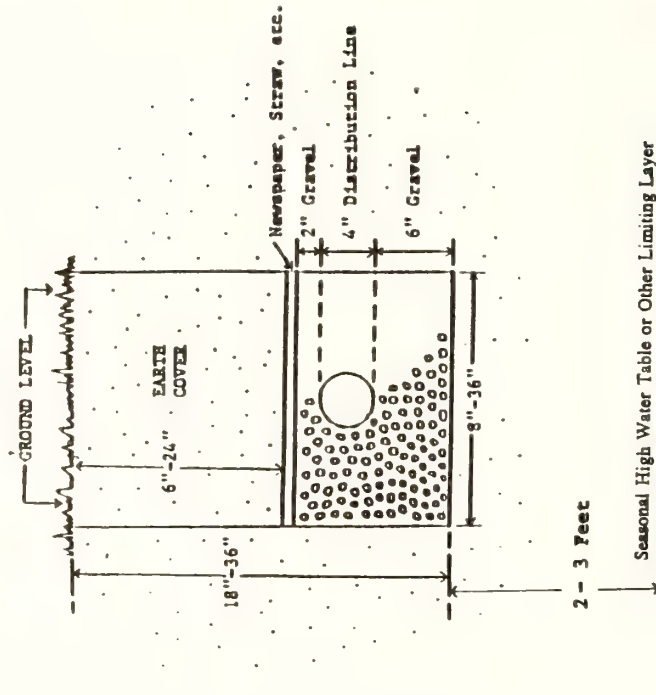
(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

2431

effective

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT B Section View



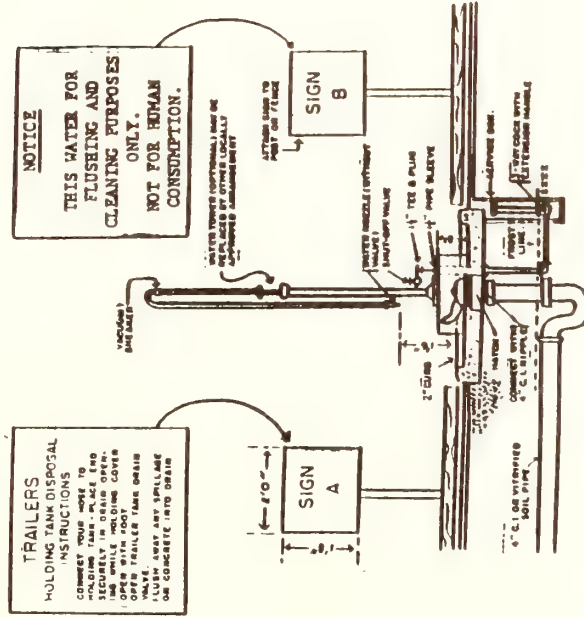
(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

2431

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. ILLUSTRATION V Sanitary Dump Station

Section 905. EXHIBIT A Section View #1

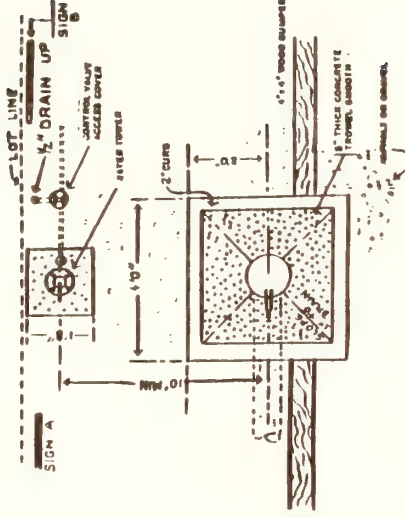


(Source: Amended at 20 Ill. Reg. effective MAR 15 1996)

2431

NOTICE OF ADOPTED AMENDMENT(S)

Section 905. EXHIBIT B Plan View

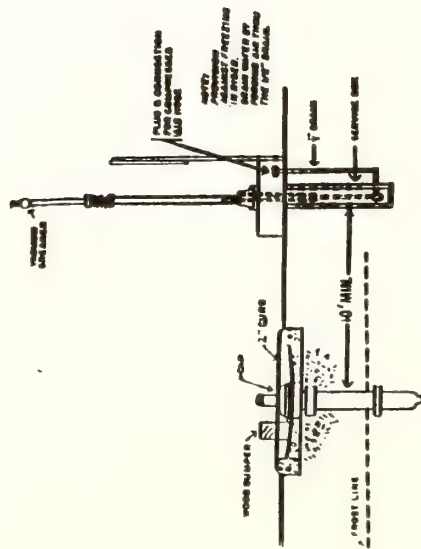


(Source: Amended at 20 Ill. Reg. effective MAR 15 1996)

2431

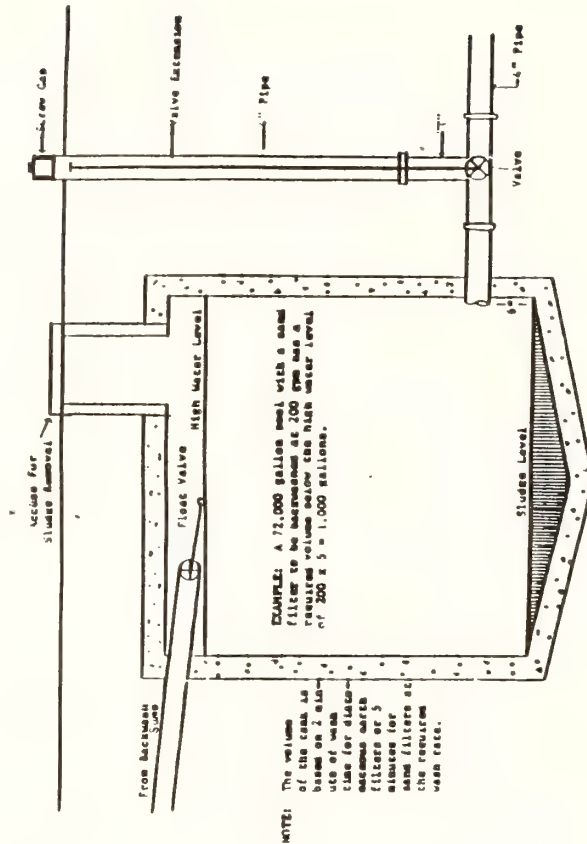
DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905.EXHIBIT C Section View #2



DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENT(S)

Section 905.ILLUSTRATION W Swimming Pool Backwash Water Holding Tank



2431

(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

effective

2431

(Source: Amended at 20 Ill. Reg. effective
MAR 15 1996)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Cancellation, Revocation or Suspension of License or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Adopted Action:
1040.46 Amendment
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Section 6-104(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-104(a)].
- 5) Effective Date of Rulemaking: January 26, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: January 26, 1996
- 9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 14358 (October 31, 1995)
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: Pursuant to suggestions from the Joint Committee on Administrative Rules, all stylistic and typographic changes were duly incorporated.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This rulemaking is being proposed for amendment pursuant to P.A. 88-209, which amended the Illinois Vehicle Code at Section 6-206(a) (33) concerning the cancellation, suspension or revocation of a driver's license or permit and Section 11-501.8 concerning driving while intoxicated, transportation of alcoholic liquor, and reckless driving.
- 16) Information and questions regarding this adopted amendment shall be directed to:

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
(217) 782-5356

The full text of the Adopted Amendment begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16927, effective October 1, 1987; amended at 11 Ill. Reg. 20659, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 2, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective April 13, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. 8512, effective May 27, 1993; amended at 17 Ill. Reg. 9028, effective June 2, 1993; amended at 17 Ill. Reg. 12782, effective July 21, 1993; amended at 18 Ill. Reg. 7447, effective May 3, 1994; amended at 18 Ill. Reg. 10853, effective June 27, 1994; amended at 18 Ill. Reg. 11644, effective July 7, 1994; amended at 18 Ill. Reg. 16443, effective October 24, 1994; amended at 20 Ill. Reg. 2558, effective JAN 26 1996.

Section 1040.46 Fatal Accident and Personal Injury Suspensions or Revocations

a) For purposes of this Section, the following definitions shall apply:

"Alcohol Related Suspension" - suspension in accordance with Sections 6-206(a)(6), 6-206(a)(17), 6-206(a)(23) and 6-206(a)(33) of the Illinois Driver's Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-206(a)(6), 6-206(a)(17), 6-206(a)(23), 6-206(a)(33)] and Sections 11-501.1 and 11-501.8 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1 and 11-501.8]. ~~§§ 11-501.1 and 11-501.8 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1 and 11-501.8].~~

"Auto Emissions Suspension" - suspension for failure to have vehicle tested pursuant to the Vehicle Emissions Inspection Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 13A]. ~~§§ 11-501.1 and 11-501.8 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1 and 11-501.8].~~

"Curfew Violation Suspension" - suspension of a minor for operating a vehicle on a highway after a prescribed hour without an adult as otherwise provided in Section 1 of the Child Curfew Act ~~AN Act relating to a curfew for certain children. [720 ILCS 5/1].~~ ~~§§ 11-501.1 and 11-501.8 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-501.1 and 11-501.8].~~

"Department" - Department of Driver Services within the Office of

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS
PART 1040

- Section 1040.10 Court to Forward Licenses and Reports of Convictions
- 1040.20 Illinois Offense Table
- 1040.25 Suspension or Revocation for Driving Without a Valid Driver's License
- 1040.30 3 Or More Traffic Offenses Committed Within 12 Months
- 1040.31 Operating A Motor Vehicle During A Period of Suspension or Revocation
- 1040.32 Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
- 1040.35 Commission of an Offense Requiring Mandatory Revocation or Discretionary Suspension or Revocation Upon Conviction
- 1040.38 Commission of a Traffic Offense in Another State
- 1040.40 Repeated Convictions or Collisions
- 1040.41 Suspension of Licenses for Curfew Violations
- 1040.42 Fleeing and Eluding
- 1040.43 Illegal Transportation
- 1040.46 Fatal Accident and Personal Injury Suspensions or Revocations
- 1040.48 Vehicle Emission Suspensions
- 1040.50 Suspension or Revocation of a License of Commercial Vehicle Driver
- 1040.55 Suspension or Revocation for Driver's License Classification Violations
- 1040.60 Release of Information Regarding a Disposition of Court Supervision
- 1040.65 Offenses Occurring on Military Bases
- 1040.66 Invalidation of a Restricted Driving Permit
- 1040.70 National Driver Register
- 1040.80 Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
- 1040.100 Rescissions
- 1040.101 Reinstatement Fees
- 1040.102 Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Arts. II and VII] and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)].

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 26, p. 282, effective June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984;

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the Secretary of State.

"Failure to Appear Suspension" - suspension for failing to appear in court or pay fine after being issued a traffic ticket.

"Financial Responsibility Suspension" - suspension in accordance with Section 7-304 or 7-309 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-304 and 7-309].
~~(((11-Rev--Stat--1987--ch--95--1/2--par--7-304-and-7-309--))~~

"Hospital" - an institution that provides medical or surgical care and treatment for the sick and injured.

"Reckless Driving" - driving with a willful or wanton disregard for the safety of persons or property as defined in Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503].

"Safety Responsibility Suspension" - suspension for violation of Section 7-205 or 7-208 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-205 and 7-208].

"Type A Injury" - severely bleeding wounds, distorted member, or had to be carried from scene.

"Unsatisfied Judgment Suspension" - suspension in accordance with Sections 7-303(a) and 7-313 of the Illinois Safety Responsibility Law of the Illinois Vehicle Code [625 ILCS 5/7-303(a) and 7-313].

"Warrant Parking/Traffic Suspension" - suspension for arrest warrants issued for failure to pay fines for traffic and parking violations described in Section 6-306.1 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-306.1].

b) The Department shall review accidents in which a fatality or personal injury has occurred and an individual has been convicted of a traffic offense in accordance with Section 1040.20 of this Part ~~the--Illinois Traffic--Offense--Table--(Section--1040--20)~~. No action shall be taken by the Department unless the traffic accident report completed by a law enforcement officer indicates a fatality or a personal injury which has been designated as a type A injury and the injured party was transported to a hospital. The code for injury on the traffic accident report defines a type A injury as a bleeding wound, distorted member or an injury for which the victim had to be carried from the scene. No action shall be taken in a personal injury case if the only type A injury indicated was for the individual convicted of the traffic violation.

c) Suspensions and revocations under these provisions shall be based on

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the number of points a person has accumulated and upon review of the individual's prior driving record ~~(see-subsect-on-(c)(3)-(c)(4)-(c)(5))~~, unless the conviction is an immediate action violation wherein no points are assigned. The points shall be assigned in the following manner:

- 1) Five (5) points shall be added to a person's point total for a type A injury to a maximum of four persons. Five additional points shall be assigned for each type A injury for the fifth and each subsequent type A injury. Fifteen (15) points shall be added to a person's total for each fatality arising from the accident.
- 2) For the most serious conviction resulting from the accident, the same amount of points assigned to the conviction pursuant to Section 1040.20 of this Part ~~the--Illinois--Traffic--Offense--Table--(Section--1040--20)~~ shall be added to the person's point total.
- 3) Ten (10) points shall be added to the person's point total for each previous two-month suspension entered in accordance with Section 6-206(a)(2) of the Illinois Driver Licensing Law of the Illinois Vehicle Code. Fifteen points shall be added to the person's point total for any other previous nonalcohol related suspension and 20 points shall be added to the person's point total for any alcohol related suspension or any revocation within two (2) years prior to or one (1) year subsequent to the accident. Suspensions for failure to appear, safety responsibility, financial responsibility, auto emissions, unsatisfied judgments, warrant parking/traffic violations, or curfew violations shall not be counted as prior or subsequent suspensions.
- 4) Ten (10) points shall also be added to the person's point total for each conviction of reckless driving in violation of Section 11-503 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-503], speeding in excess of twenty-five (25) miles per hour over the speed limit in violation of Section 11-601(b) of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-601(b)], or operating a motorcycle on one wheel in violation of Section 11-1403.2 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1403.2] issued within two (2) years prior to or one (1) year subsequent to the accident.
- 5) Five (5) points shall be added to the person's point total for any traffic-related conviction issued within two (2) years prior to or one (1) year subsequent to the accident with the following exceptions:
 - A) No conviction associated with a previous suspension or revocation shall be used.
 - B) Only the most serious conviction resulting from the accident under review shall be used.
- d) For accidents involving no fatality, if a person accumulates zero (0)

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to ~~thirty-nine--~~ 39+ points the Department shall take no action. Forty (40) to ~~forty-nine--~~ 49+ points shall result in a three (3) month suspension. Fifty (50) to ~~fifty-nine--~~ 59+ points shall result in a six (6) month suspension and ~~sixty--~~ 60+ to ~~seventy-four--~~ 74+ points shall result in a ~~twelve--~~ 12+ month suspension. Seventy-five (75) or more points shall result in a revocation.

e) For accidents involving a fatality, if a person accumulates zero (0) to ~~twenty-nine--~~ 29+ points, the Department shall take no action. Thirty (30) to ~~thirty-nine--~~ 39+ points shall result in a six (6) month suspension and ~~forty--~~ 40+ to ~~forty-nine--~~ 49+ points shall result in a nine (9) month suspension. Fifty (50) to ~~fifty-nine--~~ 59+ points shall result in a ~~twelve--~~ 12+ month suspension. If a person accumulates ~~sixty--~~ 60+ or more points, that person's driving privileges shall be revoked.

f) Any person whose driving privileges were suspended, revoked or cancelled at the time of the fatal or personal injury accident shall have his/her driving privileges revoked. Any person who as a result of a fatal or personal injury accident is convicted of passing a stopped school bus in violation of Section 11-1414 of the Illinois Rules of the Road of the Illinois Vehicle Code [625 ILCS 5/11-1414] shall have his/her driving privileges revoked.

g) In accordance with Section 6-206(4) of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 6-206(4)], any suspension or revocation imposed shall start no later than six (6) months after the conviction of the individual for violating a traffic ordinance related to the accident or no more than one (1) year subsequent to the date of the accident involving a fatality or personal injury, whichever date occurs later.

h) Any person involved in a fatal accident who is convicted of an immediate action violation as defined in Section 1040.20 of this Part ~~the Illinois Traffic--Offense--Table--(Section--1040-20)~~ shall have his/her driving privileges revoked under the applicable Section of the Illinois Vehicle Code.

(Source: Amended at 20 Ill. Reg. , effective)
JAN 26 1996

2558

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Oversize and Overweight Permit Movements on State Highways

2) Code Citation: 92 Ill. Adm. Code 554

3) Section Numbers: Proposed Action:

554.101	554.107	Amend
554.109		Amend
554.112	554.201	Amend
	554.204	Amend
554.202		Amend
554.211		New Section
554.212		Amend
554.310	554.312	Amend
554.402		Amend
554.404	554.405	Repeal
554.406		Repeal
554.407		Amend
554.409	554.413	Amend
554.503	554.504	Amend
554.505	554.508	Amend
554.509	554.510	Amend
	554.518	Amend
554.601	554.607	Amend
554.608	554.710	Amend
554.802		Amend
554.907	554.908	Amend
554.910		Amend

4) Statutory Authority: 625 ILCS 5/Ch.15, Art. III

5) Effective date of rules: January 25, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) Date filed in agency's principal office: January 24, 1996

9) Notice of proposal published in Illinois Register: September 15, 1995; 19 Ill. Reg. 12980

10) Has JCAR issued a Statement of Objections to these rules? No

11) Differences between proposal and final version:

On the Notice concerning the summary of revisions to Section 554.907 Supplemental Permit Fees, the Department corrected the statutory reference cited here.

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

At Section 554.407(d)(2), the Department correctly labeled and indented the subsections.

At Section 554.518(d), the Department corrected the width to 16 feet 0 inches.

12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes

13) Will this rule replace an Emergency Rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and purpose of rules:

The purpose of this Part is to provide definitive methods for the issuance of oversize and overweight permits. The revisions to this Part address, among other things, the need for fewer Illinois Department of Transportation (IDT) registrations, instances when permit loads can move on a 24 hour basis, allowance for round trip permits, and, the updating of Limited Continuous Operation permits to allow for 16 feet wide mobile homes. In addition, this rulemaking provides for the issuance of annual permits while retaining the provisions regarding quarterly permits. This rulemaking adds a new Section on Fraudulent Permits, provides guidelines on revisions of permits, repeals provisions concerning flaggers, updates the guidelines on the use of escort vehicles, removes language no longer relevant to axle groupings, removes language regarding maximum distances for oversize loads, adds a definition of "Nearest Scale", provides for supplemental permit fees, and clarifies fees for pavement analysis and engineering investigations.

The following analysis provides more detail concerning the major revisions to this Part.

Section 554.112 IDT Registration

Vehicles that once were required to register for the movement of exceptionally large loads will no longer be required to do so. The Department is removing this language after determining that this program did not achieve its intended goal. Originally, the inspection of certain multiple axle groupings on truck/trailer combinations was supposed to provide for the equalization of weights within those groupings. Certain truck/trailer combinations are now weighed at State of Illinois scales to assure compliance with permit requirements.

Section 554.201 Permits for Single Trip Movements

A new provision has been included that allows permit moves that are

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

overweight only to move on a 24 hour per day, 7 days a week basis instead of imposing the time restrictions required of oversize moves.

Section 554.202 Permits for Round Trips

The Department will not issue round trip permits when the dimensions and/or weight of the object to be moved are above categorical (routine) limitations (See 625 ILCS 5/Ch.15-307(g)).

Section 554.204 Permits for Limited Continuous Operation

Previously, Limited Continuous Operation permits were issued only for a maximum of 90 days up to and including 14 feet 4 inches wide. Currently, the Department is issuing Limited Continuous Operation Permits for a period of one year and for mobile homes up to and including 16 feet wide. The revisions to this Section reflect current practice.

Section 554.211 Revision of Permits

The existing language under this Section is redundant. The Department revised this Section by shortening and clarifying the language.

Section 554.212 Fraudulent Permit

The Department is including this new Section at the request of the Illinois State Police (ISP). While convictions for fraudulent permits is extremely rare, this Section will provide greater guidance to the ISP and the courts when arrests and subsequent convictions for fraudulent permits are made.

Section 554.310 Procedure Following Arrest for Violation

A new permit must be purchased if a violation of the permit has occurred concerning the allowable weight tolerance limits. No revisions will be made to the permit even though weights can be adjusted to meet tolerance limits.

Concerning Sections 554.404, 554.405, and 554.406 pertaining to Flagmen, the Department no longer requires flaggers when oversize or overweight objects are being moved. Traffic control is now coordinated by escort vehicles when required.

Section 554.407 When Escort Vehicles Are Required

The Department has relaxed its requirements for the use of escort vehicles with permit loads. State Police vehicles are also used on a less frequent basis because of the increasing difficulty of obtaining their services.

DEPARTMENT OF TRANSPORTATION
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Section 554.413 Axle Suspension for Overweight Moves

Since no vehicle inspections are made, only basic language regarding the equalizations within each axle grouping is needed.

Section 554.505 Width Exceeding 14 Feet 6 Inches

The Department will now work with those attempting to move extremely large objects to a specific destination. Maximum distances that certain sized objects were originally allowed to move no longer apply.

Section 554.607 Movement to a Designated Scale

"Nearest Scale" is defined.

Section 554.907 Supplemental Permit Fees

A \$50.00 handling fee is required for supplemental permits. Authority for this action can be found in 625 ILCS 5/15-313.

Section 554.910 Fee for Engineering Inspections and Investigations

The Department charges a fee of \$40.00 per hour for Engineering Inspections and Pavement Analyses. Authority for this action can be found in 625 ILCS 5/Ch.15-311.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Joe Hill, Maintenance Operations Engineer
Illinois Department of Transportation
Bureau of Operations, Room 009
2300 South Dirksen Parkway
Springfield, IL 62764
(217) 782-2984

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION
NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER f: HIGHWAYS

PART 554
OVERSIZE AND OVERWEIGHT PERMIT MOVEMENTS ON STATE HIGHWAYS

SUBPART A: GENERAL REGULATION

Section	Legal Authority
554.101	Partial Invalidity
554.102	Scope
554.103	When a Permit is Required
554.104	To Whom Permits are Issued
554.105	A Permit is a Legal Document
554.106	Penalties
554.107	Insurance
554.108	For-Hire Moves
554.109	Illinois Motor Vehicle Laws
554.110	General IDT Information
554.111	IDT Registration
554.112	

SUBPART B: TYPES OF PERMITS

Section	Permits for Single Trip Movements
554.201	Permits for Round Trips
554.202	Permits for Repeated Moves of Like Objects
554.203	Permits for Limited Continuous Operation
554.204	Permits for Repeated Moves Directly Across a Highway
554.205	Permits for the Movement of Overweight 2-Axle Truck Loaded with Sweet Corn, Soybeans, Corn, Wheat, Milo, or other small grains and Ensilage
554.206	Permits for the Movement of Construction Equipment within a Construction Zone
554.207	Supplemental Permits
554.208	Scope: Duty of Permittee to Read Permit Upon Receipt
554.209	Extension of Permits
554.210	Revision of Permits
554.211	Fraudulent Permit
554.212	

SUBPART C: ISSUANCE OF PERMITS

Section	Transmission Media
554.301	Original Transmission Only is Valid as Permit
554.302	When Permits Are Issued
554.303	Permit Office
554.304	

DEPARTMENT OF TRANSPORTATION

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554.305	District Offices
554.306	Method of Application
554.307	Data Needed on Application
554.308	Responsibilities of the Department in Analysis of Applications
554.309	Preliminary Application for Estimating Purposes for Proposed Moves
554.310	Procedure Following Arrest For Violation
554.311	Subsequent Permits Following a Violation
554.312	Permits for Moves Over Toll Highways
554.313	Permits for Moves Over Local Roads
554.314	Moves Upon Structures Located on a Local Street or Highway Spanning an Interstate or Controlled Access Highway

SUBPART D: GENERAL CONDITIONS AND PROVISIONS

Section	Conditions and Restrictions
554.401	Short Form Permits
554.402	Form BT 993
554.403	When Flagmen are Required (Repealed)
554.404	Qualifications for Flagmen (Repealed)
554.405	Duty of Flagman (Repealed)
554.406	When Escort Vehicles are Required
554.407	Requirements for Civilian Escorts
554.408	Mobile Homes <u>House-Trailers</u>
554.409	Overdimension
554.410	Overweight Moves
554.411	Axle Suspension for Legal Weight Moves
554.412	Axle Suspension for Overweight Moves
554.413	Buildings
554.414	Farm Tractors Prohibited as Towing Vehicle
554.415	Double-Bottom Units
554.416	Flags
554.417	Rotating or Flashing Amber Lights
554.418	Oversize Load Signs
554.419	General Speed Limits for Permit Movements
554.420	Moves in Convoys Prohibited
554.421	When Moves May be Made
554.422	Moves Over Posted Load Roads and Bridges
554.423	Time Limits
554.424	Deviation from Authorized Routes
554.425	Permit Must be Carried with the Move
554.426	Closure of Highway for Permit Movement
554.427	Right-of-Way During Movement
554.428	Legal Height Movements
554.429	

SUBPART E: OVERDIMENSION VEHICLES AND LOADS

Section

DEPARTMENT OF TRANSPORTATION

NOTICE OF ADOPTED AMENDMENTS

554.501	Scope
554.502	Legal Dimensions
554.503	Exceptions to Legal Limitations
554.504	Overwidth up to 14 Feet 6 Inches Wide
554.505	Width Exceeding 14 Feet 6 Inches
554.506	Horizontal Clearances
554.507	Overlength
554.508	Overheight
554.509	Maximum Size Mobile Home, <u>House-Trailers</u> or Modular Home, or Oversize Storage Building
554.510	Mobile Home <u>House-Trailers</u> Frames
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554.516	Routes upon Which Buildings may be Moved
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SUBPART F: OVERWEIGHT VEHICLES AND LOADS

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554.603	Practical Maximum Weights
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SUBPART G: SPECIFIC POLICIES INDUSTRIAL HIGHWAY CROSSING

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1980, for a maximum of 150 days; adopted at 4 Ill. Reg. 24, p. 586, effective May 29, 1980; codified at 7 Ill. Reg. 9672; amended at 11 Ill. Reg. 3248, effective February 3, 1987; amended at 12 Ill. Reg. 13232, effective July 29, 1988; amended at 20 Ill. Reg. 2565, effective JAN 25 1996.

SUBPART A: GENERAL REGULATION

Section 554.101 Legal Authority

The Department of Transportation is authorized by the Illinois Size and Weight Law [625 ILCS 5/Ch. 15] ~~to issue special permits. These special permits allow the operation of vehicles or loads that exceed the legal maximum dimensions and weights. The permits are valid only for those highways under Department jurisdiction. This Part 554 shall supersede all policies previously established and published by the Department of Transportation pertaining to oversize and overweight permit movements.~~ ~~to issue special permits. These special permits allow the operation of vehicles or loads that exceed the legal maximum dimensions and weights. The permits are valid only for those highways under Department jurisdiction. This Part 554 shall supersede all policies previously established and published by the Department of Transportation pertaining to oversize and overweight permit movements.~~

(Source: ~~Amended at~~ 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.107 Penalties

Penalties for violating a permit are listed in Sections 15-112, 15-113, 15-113.1, 15-113.2, 15-113.3, and 15-301 of the Illinois Size and Weight Law and Chapter 16 of the Illinois Vehicle Code [625 ILCS 5/Ch. 16] ~~to issue special permits. These special permits allow the operation of vehicles or loads that exceed the legal maximum dimensions and weights. The permits are valid only for those highways under Department jurisdiction. This Part 554 shall supersede all policies previously established and published by the Department of Transportation pertaining to oversize and overweight permit movements.~~ ~~to issue special permits. These special permits allow the operation of vehicles or loads that exceed the legal maximum dimensions and weights. The permits are valid only for those highways under Department jurisdiction. This Part 554 shall supersede all policies previously established and published by the Department of Transportation pertaining to oversize and overweight permit movements.~~

(Source: ~~Amended at~~ 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.109 For-Hire Moves

Information concerning for-hire moves under the Illinois Commercial Transportation Law [625 ILCS 5/Ch. 18c] ~~to issue special permits. These special permits allow the operation of vehicles or loads that exceed the legal maximum dimensions and weights. The permits are valid only for those highways under Department jurisdiction. This Part 554 shall supersede all policies previously established and published by the Department of Transportation pertaining to oversize and overweight permit movements.~~ ~~to issue special permits. These special permits allow the operation of vehicles or loads that exceed the legal maximum dimensions and weights. The permits are valid only for those highways under Department jurisdiction. This Part 554 shall supersede all policies previously established and published by the Department of Transportation pertaining to oversize and overweight permit movements.~~

(Source: ~~Amended at~~ 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.112 IDT Registration

- a) Applicants for special permits may apply for IDT registration and for a decal (label) that will identify a specific vehicle and its classification. Forms are available from the Permit Office.
- b) IDT classifications are as follows:
 - 1) Class A Truck Tractor.

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SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

Section 554.801 General

- Mobile Home House-Trailer Emergency Moves
- Railroad Derailment Emergency Moves
- Radioactive Materials
- Toxic, Gaseous, and Highly Explosive Materials
- Livestock

SUBPART I: FEES

Section 554.901

- Remittance
- Exemptions to the Requirement of Payment of Fees
- Bonded Charge Accounts
- Refunds

Section 554.904

- Security Requirements
- Basis for Fees
- Supplemental Permit Fees
- Service Charge for Special Handling
- Fees for Buildings and Special Moves
- Fee for Engineering Inspections and Investigations
- Fees for Illinois State Police Escorts
- Special Categories of Fees (Repealed)
- Other Overweight Fees (Repealed)
- Fees for Round Trip and Repeat Move of Like Object Permits (Repealed)
- Fee Schedules (Tables 1, 2, and 3) (Repealed)

APPENDIX A

Data Relative to Vehicles Authorized to Operate on Illinois Highways (Repealed)

APPENDIX B

Legal Gross Weights of Vehicles and Combinations of Vehicles Authorized by Section 15-111, Illinois Vehicle Code (Repealed)

APPENDIX C

Application Form BT 1928 (Repealed)

APPENDIX D

Special Vehicle Movement Permit - Form BT 993 (Repealed)

APPENDIX E

Form BT 750 (Repealed)

APPENDIX F

Form BT 751 (Repealed)

APPENDIX G

Application for Establishment of an Open Account with the Permit Section, Bureau of Traffic (Form BT 1932) (Repealed)

APPENDIX H

Bond for Payment of Special Permit Fees and Charges to Illinois Department of Transportation for Movement of Vehicles of Excess Dimensions or Weight Over Illinois Highways (Form BT 1931) (Repealed)

AUTHORITY: Implementing and authorized by Article III of the Illinois Size and Weight Law [625 ILCS 5/Ch. 15, Art. III].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 2, p. 256, effective January 1,

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A 3-axle vehicle with a 2-axle drive tandem capable of drawing a gross weight of up to 120,000 pounds.

- 2) Class A Semitrailer.
A 3-axle tandem semitrailer that, together with a truck tractor, will support and move a gross weight of 120,000 pounds.
- 3) Class B Semitrailer.
A 2-axle tandem semitrailer that, together with a truck tractor, will support and move a gross weight of 100,000 pounds.

- 4) Class-BB-Truck-Tractor.
A vehicle capable of drawing a gross weight in excess of 120,000 pounds; visual inspection and approval based on the criteria outlined in Section 554-413(c) are required prior to issuance of the decal. Any modifications to the suspension system subsequent to the inspection will result in the suspension of this registration pending a new inspection.

- 5) Class-BB-Semitrailer.
A vehicle that together with a truck tractor will support and move a gross weight of more than 120,000 pounds; visual inspection and approval based on the criteria outlined in Section 554-413(c) are required prior to issuance of the decal. Any modifications to the suspension system subsequent to inspection will result in suspension of the registration pending a new inspection.

- 4) 6) Class M Mobile Crane or Well Drilling Vehicles.
A 4-axle vehicle; 76,000 pounds gross weight; maximums of 34,000 pounds on one tandem and 44,000 pounds on the other; wheelbase 23 feet or more; not more than 12 feet wide; not over 60 feet long.
- 5) 7) Class N Mobile Crane or Well Drilling Vehicles.
3-axle vehicle; 68,000 pounds gross weight; 20,000 pounds on steering axle and 48,000 pounds on tandem; wheelbase 18 feet or more; no more than 12 feet wide; not over 60 feet long.

- c) Conditions under which classification and registration may be obtained and used:
 - 1) IPT decals are valid for up to two years and cost \$5.00 each. Checks should be made payable to "Treasurer, State of Illinois."
 - 2) To be valid, the proper decal must be affixed to the left side of the vehicle in a conspicuous place.
 - 3) When vehicles are classified and decals issued, vehicles may be identified both in applications for permits and in permits by classification only, provided the proposed move does not exceed the classification limits of the vehicle or of any vehicle within the combination.
 - 4) Vehicles identified only by classification may be used in combinations other than truck tractor semitrailers, providing axle spacings are furnished.

(Source: JAN 25 1986 20 Ill. Reg. 2565, effective 5/15-307(g)).

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SUPPORT B: TYPES OF PERMITS

Section 554.201 Permits for Single Trip Movements

- a) Permits for single trip movements are issued for one-way movement. These permits are valid for 5 working days.
- b) Unless stated otherwise on the permit:
 - 1) permit movements may be made only from a half hour before sunrise to a half hour after sunset on weekdays and from a half hour before sunrise to noon on Saturday;
 - 2) permit movements are prohibited on Sunday and on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day; and
 - 3) permit movements will not be allowed later than noon on the day preceding a holiday weekend; and
 - 4) categorical permit moves (See Sections 554.504, 554.507, 554.508 and 554.604 for limitations pertaining to categorical moves) that are overweight only shall be allowed to move with no time restrictions.

(Source: JAN 25 1986 20 Ill. Reg. 2565, effective 5/15-307(g)).

Section 554.202 Permits for Round Trips

- a) Permits for round trip moves may be issued provided:
 - 1) the same or "like" object is to be moved in both directions,
 - 2) the same vehicle is to be utilized, except that another vehicle bearing the same IDT Class A or B may be substituted for the return trip, and
 - 3) the same route is to be traveled in the reverse direction.
- b) A description, including make and model, of the equipment transported must be furnished to the Permit Office.
- c) Applications for round trip moves will be the same as for a single trip move, except the words "and return" may be added. Round trip permits over a circular or roundabout route will not routinely be issued. For example, when a routing on a divided highway is adequate for the size or weight in one direction, but due to a lower clearance or a deficiency in a structure in the opposite direction, it is necessary to route the movement over different highways on the return trip. A single trip permit will not be revised to include "round trip" after the permit has been issued ~~a move has been undertaken~~. Round trip permits are subject to the restrictions contained in Section 554.201 except such permits are valid for a period of 10 working days and one round trip move. The Department will not issue round trip permits when the dimensions and/or weight of the object to be moved are above categorical (routine) limitations (See 625 ILCS 5/15-307(g)).

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(Source: Amended at 20 Ill. Reg. **2565**, effective JAN 25 1996)

Section 554.204 Permits for Limited Continuous Operation

Permits for limited continuous operation are available for the movement of overdimension legal weight pieces of construction equipment, or mobile homes, storage buildings or trusses. These permits are valid for a period of three months or one year except as otherwise indicated. The following items are pertinent:

- a) Limited Continuous Operation Permits may be issued for the movement of overdimension construction equipment or vehicles, provided:
 - 1) The movement will consist of a specific vehicle, a designated piece of construction equipment, or a "like" load. The vehicle or load may be moved on a specific vehicle, under its own power, or on an IDT registered vehicle combination. A "like" load must be the same as the load described in the permit, including make and model. In order to minimize trips and conserve fuel, a permittee may haul, along with the designated object or "like" load, an additional legal size object, provided it is loaded within the legal width, height, and length dimensions and the axle and gross weights are legal;
 - 2) The vehicle or combination of vehicles is properly licensed if plates are required; and
 - 3) The overall width does not exceed 12 feet.
- b) A permit may be obtained to move an overdimension empty vehicle that is normally used to haul oversize or overweight permit loads. Such permits are needed when returning empty after having delivered an oversize or overweight piece of equipment. In order to minimize trips and conserve fuel, the permittee may, instead of returning empty, haul a legal size object with this permit, provided the axle and gross weights are legal and the object is loaded to conform to the legal width, height, and length limits.
- c) Limited Continuous Operation permits for the movement of mobile homes ~~house-trailers~~ or modular sections may be issued, provided:
 - 1) The overall width does not exceed 12 feet;
 - 2) The overall length of mobile home ~~house--trailer~~ and towing vehicle does not exceed 85 feet;
 - 3) The applicant is a dealer licensed by the Secretary of State of Illinois or by another state to do business as a mobile home ~~house--trailer~~ dealer; a hauler having an Illinois Commerce Commission permit; a hauler having an Interstate Commerce Commission permit; a mobile home ~~house--trailer~~ manufacturer; or a Federal, State, or local governmental agency.
- d) Limited Continuous Operation Permits may be issued for highway construction, transportation, utility, and maintenance equipment owned and operated by a local governmental authority for a period of one ~~year~~ 6-months.

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- e) Limited Continuous Operation Permits may be issued for mobile homes, modular sections, or storage buildings up to 16 feet wide. These permits will also be issued up to a height of 15 feet 0 inches and length up to 99 feet 0 inches. Movement under authority of these permits (greater than 12 feet wide and/or 14 feet 6 inches high) is limited to a radius of 100 highway miles from the origin.
- f) Limited Continuous Operation Permits may be issued for trusses up to 14 feet wide and 85 feet long.

(Source: Amended at 20 Ill. Reg. **2565**, effective JAN 25 1996)

Section 554.211 Revision of Permits

A permit shall not be altered or revised except by the Permit Office.

- a) The Permit Office may issue revisions to permits:
 - 1) to correct an error attributed to the issuing office;
 - 2) at the request of the applicant before the move has been started; ~~to correct an error attributed to the applicant discovered before the move has been started; or~~
 - A) to correct an applicant error;
 - B) to alter routes or destinations;
 - C) to correct or increase sizes or weight;
 - D) to substitute a vehicle used to transport a load;
 - 3) to adjust weights as outlined in Section 554.608; or
 - 4) due to emergency or exceptional conditions beyond the control of or outside the normal scope of knowledge of the applicant.
- b) It is the responsibility of the applicant to ensure accuracy of the application. Second revisions will not normally be issued.
- c) ~~Consistent with the provisions of this section, revisions may be issued before the move is started:~~
 - 1) ~~to alter routes or destinations;~~
 - 2) ~~to correct or increase sizes or weights;~~
 - 3) ~~to substitute the vehicle to be used to transport the load; or~~
 - 4) ~~to otherwise correct a permit in conformance with this section as stated above.~~
- d) ~~Also, consistent with the provisions of this section, revisions will not be issued except to correct errors of the issuing office:~~
 - 1) For Permits for Repeated Moves of Like Objects because applications for such moves have been given considerable advance planning;
 - 2) For Limited Continuous Operation Permits;
 - 3) To change the name of the permittee;
 - 4) To change the origin or first route of the move except when entering from the same State line;
 - 5) To alter the description of the load or change the serial number of a mobile home ~~house-trailer~~; or

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6) To ~~alter or otherwise~~ revise a permit that has been violated.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.212 Fraudulent Permit

A permit shall be deemed fraudulent if it is used in a manner or altered to facilitate use in a manner contrary to the Illinois Size and Weight Law, contrary to this Part, contrary to the terms and conditions of the permit as issued, or to otherwise conduct an unpermitted move. A fraudulent permit is void and any move thereunder is considered an unpermitted move. An unpermitted move under a fraudulent permit would include, but would not be limited to:

- Operation of multiple movements under provision of a single trip permit.
- Movement of a load not as described on the presented permit.
- Movement with an issued permit that, without authorization from the Department of Transportation's Permit Office, has had the original specifications or restrictions altered.
- Movement when the axle spacing of the hauling unit does not conform to those indicated on the permit application.

(Source: JAN 25 1996 20 Ill. Reg. 2565, effective _____)

SUBPART C: ISSUANCE OF PERMITS

Section 554.310 Procedure Following Arrest For Violation

- Following an arrest for violation of a permit, if the load can be shifted to comply with the provisions of the permit, the driver or owner may make the shift and then proceed. If the load cannot be shifted or otherwise adjusted to comply with the permit, a new permit must be secured following the same procedures as for an original permit.
- If the permit designates and includes a routing to a certified scale that was requested on the application as outlined in Section 554.607, the permittee, while enroute to the designated scale, shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than 2000 pounds on a single axle, 3000 pounds on a tandem axle, and 5000 pounds on the gross weight. Before leaving the designated scale area, the permittee must either:
 - shift the load to comply with the permitted weights,
 - obtain a revision from Permit Office if the final weights exceed the permit limits but are within the tolerances, or
 - obtain a new permit if the weight tolerances are exceeded.

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c) Once a permit is violated for weights above tolerance limits, a revision will not be issued even though weights can be adjusted to be within tolerance limits.

d) The fact that a new permit may be issued to continue the move carries no assumption of intent, error, mistake, or mitigating circumstances concerning the limitations, conditions, or provisions contained in the original permit that may affect its status subsequent to arrest.

(Source: Amended JAN 25 1996 at 20 Ill. Reg. 2565, effective _____)

Section 554.312 Permits for Moves Over Toll Highways

a) Permits for overweight and overdimension movements over the Illinois Toll Highway System are not issued by the Department of Transportation but are required when legal dimensions or weights are exceeded. A maximum width of 10 feet is allowed on most the toll roads due to physical limitations. A maximum width of 12 feet is allowed on the sections of the toll road system that carry Interstate Route 80 and U.S. Route 51.

b) These permits may be obtained from the Illinois State Toll Highway Authority, Downers Grove ~~Oak Brook~~, Illinois 60515 60521 (telephone, 708/241-6800 312/654-2200). Overdimension permits may also be purchased at a Toll Plaza. A permit is required from the Permit Office for movement on State highways leading to and from the toll road.

(Source: JAN 25 1996 20 Ill. Reg. 2565, effective _____)

SUBPART D: GENERAL CONDITIONS AND PROVISIONS

Section 554.402 Short Form Permits

- Permits issued in writing, by telegram, or other electronic transmission have been shortened to reduce the cost of the messages. Applicable conditions and restrictions are indicated by code letter and number, which are contained in Form BT 993. A copy of Form BT 993 must accompany the permit or the permittee is subject to arrest in accordance with Section 15-301(j) of The Illinois Size and Weight Law.
- Permits issued by telephone shall be written in ink or typed by the permittee on Form BT 1928. The permittee must complete the applicable portions of this form as directed by the Permit Office prior to starting the move. The record of the permit as maintained by the Permit Office shall be presumed correct in any questions or dispute. These forms contain general provisions on the reverse side. The permittee need not have a Form BT 993 in his possession when obtaining a permit by telephone and using the Form BT 1928. The

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- a) One civilian escort vehicle is required:
- 1) For all moves that exceed 14 1/2 feet 6 inches in width;
 - 2) For all moves that exceed 110 feet in length;
 - 3) For all moves that exceed 14 feet 6 inches in height;
 - 4) ~~For all moves that exceed the practical maximum weights in Section 554.604.~~
 - 4.5) For any move either across, upon, or along a highway when additional warning is required to alert the traveling public. For instance, if a movement is required to travel during darkness or on a weekend to respond to an emergency situation, a civilian escort will be required.
- b) Two civilian escort vehicles are required:
- 1) For all moves that exceed 15 feet in width; or
 - 1.5) ~~For all moves more than 14 feet 6 inches in width; or~~
 - 2) For all moves that exceed 16 feet in height; or
 - 3) For all moves that exceed both 14 1/2 feet 6 inches in width and 14 feet 6 inches in height.
- c) Three civilian escorts are required:
- 1) For all moves that exceed 16 feet in width;
 - 2) For all moves that exceed 145 feet in length;
 - 3) For all towed special haul rigs more than 150 feet in length.
- d) Illinois State Police Escorts
- 1) Illinois State Police escorts are generally required:
 - A) For moves greater than 18 feet wide;
 - B) For moves of greater than 175 feet in length;
 - A.5) ~~For all moves over 15 feet 0 inches wide on non-freeways;~~
 - B.5) ~~For moves over 16 feet wide on freeways;~~
 - C.5) ~~For moves over 145 feet long;~~
 - D.5) For moves over 18 feet high;
 - E.5) For overweight moves where bridge restrictions require that all traffic be kept off of a structure while the permitted vehicle crosses; or
 - F.5) For any move of an unusual nature where additional traffic control is necessary to alert the motoring public to the permit movement.
 - 2) These moves will normally be made partially or entirely outside a municipality. The permittee must make all arrangements with the designated State Police Headquarters at least 24 hours prior to the move. The Permit Office may determine a State Police escort is not necessary in some instances including but not limited to the following:
 - A.6) on moves made within a municipality if local police are utilized as specified in Section 554.407(d);
 - B.6) on movements where the object will only cross a State highway and minimal disruption of traffic is anticipated; or
 - C.6) on moves over 18 feet high if a field investigation reveals there are not any overhead obstructions.
- e) Local police escorts may be required in lieu of State Police escorts

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Permit Office may require a copy of the form completed by the permittee for any permit issued by telephone to be submitted to the Permit Office to verify the information has been correctly recorded. It is anticipated this will only be done on forms the Department has reason to believe have been inaccurately completed or if the company is suspected of abusing the self issue permit system. If a company has abused the system by, for example, attempting to use the same permit for more than one move or knowingly completing the form inaccurately, the company will not be allowed to obtain permits by telephone.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.404 When Flagmen are Required (Repealed)

~~The Department may specify a flagman to accompany any permit move that may adversely affect the flow of traffic or create traffic hazards. Flagmen may also be required to provide information and direct motorists when a permit move causes a temporary road closure. An escort vehicle may be used in lieu of a flagman.~~

(Source: Repealed 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.405 Qualifications for Flagmen (Repealed)

~~The flagman shall be an employee or an agent of the grantee, shall be at least 18 years of age and shall be equipped with a red flag not less than 18 inches square mounted on a staff. He may ride in the cab of the towing vehicle or in an accompanying vehicle. If riding in a separate vehicle, the flagman must be in radio contact with the driver of the permit vehicle. One flagman shall not be assigned to two or more simultaneous moves.~~

(Source: Repealed at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.406 Duty of Flagman (Repealed)

~~The flagman shall dismount and direct traffic at all locations where traffic may be obstructed or when it is necessary to infringe on the opposite-bound traffic lane due to breakdown, pulling on or off pavement, or other causes.~~

(Source: Repealed at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.407 When Escort Vehicles Are Required

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when the move is made entirely within the limits of a city or county. It is the responsibility of the permittee to make all arrangements with the local police when the permit specifies such an escort as a condition of the permit.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.409 Mobile Homes House-Trailers

Following are the minimum size vehicles that may be used to tow house trailers:

- 8 feet wide - passenger car.
- Over 8 feet up to 10 feet wide, 70 feet overall length - 3/4-ton truck
- Over 10 feet up to 12 feet wide, 85 feet overall length - 1-ton truck with dual wheels.
- Over 12 feet wide up to 95 feet overall length - 2-ton truck with dual wheels.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.413 Axle Suspension for Overweight Moves

a) Overweight permits for vehicles with multiple axles in tandem may be issued if the axles constitute a group articulated from a common point with an equalizing device which may be mechanical, hydraulic or air. A single or auxiliary axle actuated separately or carrying weight transmitted to the road surface independently or in tandem regulated will not be considered in the determination of allowable loads for overweight moves. Since other states may require the use of auxiliary axles for some overweight movements, the Permit Office will allow such a vehicle to travel in Illinois provided the Department determines to its satisfaction all of the weight will be safely accommodated by those axles meeting Department requirements. Auxiliary axles activated by air or by hydraulic cylinder designed to shift the load from one set of axles to another may not be used.

b) While auxiliary axles may register a uniform load distribution when the vehicle combination is motionless, it has not been demonstrated to the satisfaction of the Department that the distribution will be maintained while the vehicle combination is moving. Unlike a standard tandem axle assembly, it has no means to ensure that axle loads will be equalized.

c) Special vehicle combinations designed to transport extremely heavy objects may be used provided the equipment meets the following criteria:

a) Truck-tractor with a three-axle drive tandem:

A) All three axles must be of the same type of suspension (air

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or spring; the loading on any axle cannot be controlled independently from the other axles within the tandem.

e) The suspension system on the drive tandem must be designed to distribute a relatively equal amount of weight to each axle at various loadings. A maximum differential of 2000 pounds between the heaviest and lightest axle is allowed.

B) For an air suspension system, the same air source must supply the air to all axles. No valves (other than self-adjusting leveling valves) or regulators are allowed between the air bags within the system.

b) 2) Semitrailers with four or more axles:

A) All axles in a tandem grouping must have the same type of suspension (air, spring, waiking-beam, etc.)

B) The suspension system must be designed to distribute a relatively equal amount of weight to each axle at various loadings. A maximum differential of 3000 pounds between the heaviest and lightest axles in a group is allowed.

C) Flat or detachable axles are allowed provided the method of attaching the axle or axles to the semitrailer is secure and the suspension system meets the requirements outlined in paragraph B.

B) For an air suspension system, the same air source must supply the air to all axles. No valves (other than self-regulating leveling valves) or regulators are allowed between the air bags within the system.

3) These or any other special vehicle combinations must be registered and certified with the Permit Office prior to obtaining permits to move extremely heavy objects in Illinois. The certification process includes a visual inspection of the unit to verify that the above criteria are met and generating a weighing at a State weigh station to document the performance of the suspension systems.

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(Source: JAN 25 1996 20 Ill. Reg. 2565, effective

SUBPART E: OVERDIMENSION VEHICLES AND LOADS

Section 554.503 Exceptions to Legal Limitations

a) Fire apparatus, equipment for snow and ice removal operations owned or operated by any governmental body, implements of husbandry temporarily operated or towed in a combination upon a highway, provided such combination does not consist of more than three vehicles or, in the case of hauling fresh perishable fruits or vegetables from farm to the point of first processing, not more than three wagons being towed by an implement of husbandry, are exempt from size, weight, and load

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- b) The maximum width for which permits may be obtained is 10 feet on controlled access highways in Cook County, except Interstate Route 80, Interstate Route 57 from U.S. Route 6 (159th Street) south, Illinois Route 394 from Interstate Route 80 south and Interstate Route 290, north of St. Charles Road and Illinois Route 53.
- c) Separate permits must be obtained from the Illinois State Toll Highway Authority (telephone, 312/654-2200 or 708/241-6800) for travel on Illinois toll highways. The maximum width permitted on these highways is 10 feet, except a width of 12 feet is allowed on the sections of the tollroad system that carry Interstate Route 80 and U.S. Route 51.
- d) Loads exceeding 14 feet 6 inches in width will generally be routed over multilane highways whenever possible even though additional travel distance may result. An alternate routing could be approved if, for example, the traffic volumes on the proposed two-lane routing were low and the highway geometrics were sufficient to allow the unit to move without disrupting traffic flow.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.505 Width Exceeding 14 Feet 6 Inches

- a) In the interest of safety, the movement of vehicles or objects exceeding this width is restricted. Construction activity or other highway conditions may result in lengthy delays in the issuance of a permit or may preclude issuance altogether.
- b) Movement of vehicles or objects exceeding 18 feet wide will generally only not be authorized on Interstate and other multilane controlled access highways. All the movements on these highways must be able to maintain any minimum posted speeds, except at locations where the permit requires reduced speeds.
- c) Permits may be issued to move a vehicle or load over 14 feet 6 inches wide¹⁷ provided:
- 1) Roadway data maintained by the Permit Office disclosed that the movement can be made without seriously jeopardizing other traffic or highway facilities. If these data are inadequate, a field investigation shall be conducted.
 - 2) The movement will not delay emergency vehicles that may need to travel on the proposed routing.
 - 3) The move is not one of many to be made in the course of regular operations.
- d) ~~The following table of maximum distances has been established as a guideline for the movement of wide objects. Permits may be issued in excess of these distances if no other feasible means of transportation is available.~~

Width	Maximum Distance
Over 8 feet to less than 16 feet	Unlimited
16 feet to 18 feet	250 miles

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- Limitations [625 ILCS 5/15-101(b)] ~~†††††Rev. Stat. 1985, ch. 95-1/27 par. 15-101(b)†††~~
- b) Length limitations do not apply to vehicles operated in the daytime when transporting poles, pipe, machinery, or other objects of a structural nature 80 feet or less in length, except upon Saturdays, Sundays, or legal holidays; nor do length limitations apply to utility companies when objects are required for emergency repairs [625 ILCS 5/15-107(g)] ~~†††††Rev. Stat. 1985, ch. 95-1/27 par. 15-107(d)†††~~
- c) Width limitations do not apply to loads of hay, straw, other similar products, of implements of husbandry being transported between sunrise and sunset [625 ILCS 5/15-102(b)(1)] ~~†††††Rev. Stat. 1985, ch. 95-1/27 par. 15-102(a)†††~~; nor do they apply to portable buildings not more than 14 feet wide with not more than 1 foot overhang along the left side of the hauling vehicle, designed and used for agricultural and livestock raising operations, which are being transported not more than 10 miles on any route not part of the National System of Interstate and Defense Highways during the period from sunrise to sunset and on which are mounted at least two red cloth flags at least 12 inches square, provided that a State Police trooper shall escort the hauling vehicle when it is using any part of the left lane when crossing a two-lane bridge [625 ILCS 5/15-102(b)(3)] ~~†††††Rev. Stat. 1985, ch. 95-1/27 par. 15-102(b)†††~~
- d) Persons, teams, motor vehicles, and other equipment, while actually engaged in work upon the surface of the highway, also are exempt, but legal limitations do apply to such persons and vehicles when traveling to or from such work [625 ILCS 5/11-205(f)] ~~†††††Rev. Stat. 1985, ch. 95-1/27 par. 11-205(f)†††~~
- e) Often a question arises as to whether a piece of equipment is exempted or whether a permit must be obtained for its movement. A guide is found in an Attorney General's Opinion, dated November 15, 1949, concerning an overwidth bulldozer used occasionally for farm conservation work. The opinion reads in part:
- "It would seem that the bulldozer is used chiefly for a commercial operation and in view of such use would probably not be within the exemption. There are many items which could be used for commercial purposes in aid of a farming operation or to conserve the soil, but of course, all such items do not fall within the exemption of the statute. The character of their use must necessarily be a determining factor."

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.504 Overwidth up to 14 Feet 6 Inches Wide

- a) Permits may be issued for widths up to the practical maximum of 14 feet 6 inches, except for toll highways and certain expressways in the Chicago area.

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~~Over-10-feet-to-20-feet~~
~~Over-20-feet-to-25-feet~~
~~Over-25-feet~~

~~100-miles~~
~~25-miles~~
~~10-miles~~

d) ~~Movements shall be confined to a single traffic lane and shall be made in such a manner that the rest of the roadway will be open at all times so the flow of other traffic will not unnecessarily be obstructed. Whenever the width of the object or the roadway conditions require the use of more than a single traffic lane, other traffic will be given the right-of-way over this movement. The driver shall remove the vehicle from the roadway when necessary to allow an accumulation of traffic to pass or when so directed by a police officer.~~

e) ~~f) Att-moves-of-vehicles-or-loads-wider-than-15-feet-on-non-freeways-and-16-feet-on-freeways-must-normally-be-accompanied-by-police escorts-Moves of vehicles or objects over 16 feet wide or-over normally require an engineering investigation. A field investigation will not be required, for each of several identical moves, provided they are all completed within 30 days of the initial investigation. If a field investigation is required and the applicant does not request issuance of the permit within 30 days after he is notified the movement is feasible, it will be necessary that the Permit Office verify the movement is still acceptable with the District Office.~~

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.508 Overheight

- The maximum overheight for which a permit may be issued is governed by overhead clearances. The height of the move should be measured from the uppermost point of the object, after it is loaded, to the ground. The practical maximum height is 15 feet.
- The maximum height authorized on Chicago area controlled access highways is 13 feet 6 inches.
- On all highways, a 3-inch clearance generally is specified to allow for bounce. Overheight movements that are extremely long may require additional clearance at underpasses where the approach pavement dips abruptly at the structure.
- The Permit Office does not check the vertical clearance of a route when the applicant indicates the height of the vehicle and load is "legal". If the applicant indicates the height is 13 feet 6 inches, which is the legal height, no additional clearance is provided when the vertical clearance of the route is checked.
- For movements ~~at in-excess-of~~ 16 feet or greater in height, the applicant shall perform a route survey, listing all overhead obstructions, to ensure the clearances will enable the object to pass under without difficulty.
- For movements in excess of 17 ~~10~~ feet in height, or greater, it is the

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responsibility of the applicant to contact all companies with overhead utility facilities and to indicate on the application the company, name of person contracted and telephone number. An engineering investigation, consisting of a route survey by District personnel, will normally be required.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.509 Maximum Size ~~House-Trailor-or Mobile Home, Modular Home, or Oversize Storage Building~~

The maximum size mobile home, ~~house-trailer-or~~ modular home section, or oversize storage building combination that may be moved in Illinois is 16 ~~14~~ feet 0 ~~4~~ inches wide, 15 feet high, and 99 ~~95~~ feet long. This includes the towing vehicle.

(Source: JAN 25 1996 at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.510 Mobile Home ~~House-Trailor~~ Frames

Permits for overdimension mobile home ~~house-trailer~~ frames loaded on regular or lowboy semitrailers or on specially designed vehicles that are normally accepted as semitrailers and are normally licensed as semitrailers may be issued. A permit may be issued to tow one mobile home house-trailer frame. A permit will not be issued for one or more frames loaded on another mobile ~~house-trailer~~ frame or on a frame and wheel assembly. 2565 ~~2565~~

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.518 Building Sections

- Regulations governing permits for the movement of prefabricated house or building sections fall within two categories. The governing category depends on the type of vehicle on which the module is transported. The governing categories are movement as a house trailer and movement as a building.
- Building sections moved under mobile home ~~house-trailer~~ regulations are those transported on a frame and wheel assembly, on a trailer, or on a vehicle closely resembling a mobile home ~~house-trailer~~ frame. The section must be specifically identified. The movement is made under the same restrictions, conditions, and provisions as a house trailer move and may not exceed 16 ~~14~~ feet 0 ~~4~~ inches wide, 15 feet high, and 99 ~~95~~ feet combination length.
- Building sections moved under building regulations are those transported on a regular lowboy semitrailer with a fifth wheel

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connection and with the axles near the rear of the semitrailer. A specially designed vehicle may also be used if it is normally considered as a semitrailer, with the axles near the rear, and it is normally licensed as a semitrailer.

- d) Permits for multiple moves in excess of 16 feet 0 ~~14~~-feet-4 inches wide over the same route or from a central point will not be issued without exceptional justification of need.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

SUBPART F: OVERWEIGHT VEHICLES AND LOADS

Section 554.601 Scope

- a) *Permits may be issued for overweight vehicles and objects if they have been reasonably disassembled [625 ILCS 5/15-301] ~~Ill-Rev-Stat--1985~~ ~~Ch--95-127-par--15-301~~ and the highway system can carry the weight.*
- Overweight moves may consist of only a single object. Overweight equipment may be moved with normal components attached.
- b) The Permit Office may require verification of the weight of the vehicle and load prior to issuing a permit when there is reason to believe the requested weight is incorrect. Permits are required for any overweight movement to or from a weigh scale over State highways for preliminary weighing of the vehicle and 2565.

(Source: Amended ~~at~~ 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.607 Movement to a Designated Scale

Sections 15-301(b) and (f) of the ~~the~~ Illinois Size and Weight Law allow the permittee to travel to a certified scale to verify the axle and gross weights of an overweight load when he is uncertain of the correct weights. The following conditions apply.

- a) The permittee must, on his application, request that he be routed to a certified scale, the location of which he has designated on the application.
- b) The scale must be the nearest scale to the permittee's origin that has been certified by the Illinois Department of Agriculture (State weigh stations included).
"Nearest scale" for permit loads with weights not exceeding practical maximums is defined as a scale within 25 miles of the permitted load's origin.
- c) The permittee must indicate the requested routing.
- d) If any routes under the jurisdiction of local agencies are included in the routing, the permittee must provide evidence that he has secured approval from the local authority having jurisdiction.

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- e) Due to the volume of permits handled, the Permit Office cannot assist the permittee in determining the closest certified scale. By approving the routing to the scale as requested by the applicant and indicating the weight of the load is to be checked at a designated scale, the Permit Office in no way implies that it is the closest certified scale to the permittee's origin. If a police officer finds there is a closer certified scale, he may require the driver to travel to that scale; however, it is that officer's responsibility to verify the routes can accommodate the load.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.608 Status of Permittee While Enroute to the Scale

- a) When the permittee has requested travel to a designated scale and the routing and scale have been specified in the permit by the Permit Office the permittee shall be deemed in compliance with the weight provisions of the permit provided the axle or gross weights do not exceed any of the permitted limits by more than the following amounts:
- 1) Single axle 2,000 pounds
 - 2) Tandem axle 3,000 pounds
 - 3) Gross 5,000 pounds
- b) If the permittee is stopped by a police officer while enroute to the scale specified in the permit, the police officer may accompany the permittee to the designated scale and witness the weighing, or the officer may direct the permittee to a closer certified scale. However, the officer assumes responsibility for ensuring the route he selects to the alternate scale can safely accommodate the load. The officer may contact the Permit Office if he is unsure of the capacity of the route.
- c) If after checking the weights at the scale, the permittee finds the weights are within the limits indicated on the permit, he may proceed to his destination by the routes indicated in the permit. However, the permittee must still stop at all open weigh stations along his route and is subject to all normal enforcement action.
- d) If the permittee finds the load exceeds one or more of the limits specified in the permit, but is within the tolerances indicated in subsection paragraph (a), he must contact the Permit Office and either obtain a revised permit as provided in Section 554.211 of this Part, or reduce his weights to those specified in his permit before proceeding. Under the provisions of Section 15-301(f) of the ~~the~~ Illinois Size and Weight Law, he is not subject to arrest for being overweight while at or enroute to the designated scale unless he is found to be in excess of his permit limits by more than the weight tolerance in subsection paragraph (a).
- e) If the load exceeds one or more of the limits specified in the permit

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by an amount in excess of the tolerances indicated in subsection paragraph (a), the permittee is subject to arrest if a police officer witnesses the weighing or if the permittee moves the load from the scale premises without either first adjusting the load to within the limits specified in the permit or obtaining a new permit that covers the movement. There shall be no refund of fees for any permit so exceeded, nor will there be any reduction in the fee for the new permit.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

SUBPART G: SPECIFIC POLICIES

Section 554.710 Military Moves by Service Personnel

a) All movements by the Armed Forces and the National Guard must be in compliance with the size and weight limits contained in Sections 15-102, 15-103, 15-107, and 15-111 of the Illinois Vehicle Code, unless an authorization has been issued by the Permit Office or an emergency has been officially declared by the President or Governor. In the event an official emergency is declared, telephone contact should be made with the Permit Office (217/782-6271) during regular office hours or the Communications Center (217/782-2937) at other times, for assistance with the routing.

b) If it is necessary to move a vehicle or load that cannot be reasonably dismantled or disassembled and transported within the legal size and weight limits, an application for authorization to make the movement must be submitted to the Permit Office. Application may be on Form BT 1928, Department of Defense standard forms, by letter, or by electronic communications, or phone. If the Permit Office determines the move can be made in safety without damaging the highway system, a no-cost authorization will be issued [625 ILCS 5/15-301] (f---Rev-Stat-1985-Ch-95-127-par-15-381).

c) The Permit Office will review requests for routine military convoy movements, which are submitted on standard military forms, and issue a blanket no-cost authorization for all approved oversize and overweight vehicles and loads that are included. These authorizations do not relieve the Armed Forces or National Guard from overall responsibility for the convoy movement.

d) The branch of the Armed Forces or National Guard authorizing oversize or overweight moves without approval of the Permit Office assumes full liability for accidents or damages that may be caused directly or indirectly by reason of the movements. While the driver is not subject to arrest, any unauthorized shipment found to be in violation of the legal size and weight limits shall not be allowed to proceed until the excess load is shifted or removed, or the Permit Office approves the movement.

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(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

SUBPART H: EMERGENCIES AND HAZARDOUS MATERIALS

Section 554.802 Mobile Home House-Trailer Emergency Moves

In the event an area has been declared a disaster area by the President or Governor, house trailers may be authorized to move into the area without a standard permit. The house trailers may not exceed 12 feet wide and 85 feet combination length. They must be owned by the victims of the disaster or otherwise be brought into the area for relief purposes. If the units are furnished by the Federal Department of Housing and Urban Development (HUD) the Permit Office will generally allow movement in conformance with the American Association of State Highway and Transportation Officials' (AASHTO) National Policy. However, the Permit Office may include additional restrictions in its authorization.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

SUBPART I: FEES

Section 554.907 Supplemental Permit Fees

The Permit Office shall collect a fee of \$5.00 for each supplemental permit. In addition, if the supplemental permit provides for an increase in size, weight, or mileage, those additional fees will be charged. However, no credit can be given for fees paid if dimensions, weights, or mileages are reduced. A handling fee of \$50.00 is added for supplements outside of practical maximums.

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.908 Service Charge for Special Handling

When special transmission of permits by electronic communications equipment is requested by an applicant, a service charge in an amount sufficient to defray the cost to the Permit Office will be charged. The current charge is \$1.00 for each permit. Permits may be transmitted by State-leased teletype or facsimile copy (FAX).

(Source: Amended at 20 Ill. Reg. 2565, effective JAN 25 1996)

Section 554.910 Fee for Engineering Inspections and Investigations

The following additional fees will be charged for engineering inspections and

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

DEPARTMENT OF PUBLIC HEALTH

Heading of the Part: Hospice Programs

Code Citation: 77 Ill Adm Code 280

Date Originally Published in the Illinois Register: 1/5/96 20 Ill Reg 467

At its meeting on January 23, 1996, the Joint Committee on Administrative Rules objected to the Department of Public Health's emergency rulemaking entitled Hospice Programs (77 Ill Adm Code 280) because by including a crossreference to a nonexistent Section, the rule is confusing and misleading.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

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investigations by Department personnel that may be necessary due to the size or weight of the load.

- a) For normal engineering inspection and investigations, all or a portion of the following:

- 1) Bridge structural analysis - \$40 per hour plus computer costs.
- 2) Pavement structural analysis - \$40 per hour.
- 3) Field investigation of movement feasibility - \$40 per hour.
- 4) Accompanying the move - \$40 per hour.
- 5) Interim or final inspection for damages - \$40 per hour.

b) For unusually large movements that may require extensive analyses, inspections, and investigations by Department personnel, a written agreement will be executed by the applicant and the Department as to the extent of special charges. The following rates will be utilized unless otherwise stipulated.

- 1) Bridge structural analysis - \$40 per hour.
- 2) Pavement structural analysis - \$40 per hour.
- 3) Field investigations of movement feasibility, for each Department employee - \$40 per hour.
- 4) Accompanying the move, for each Department employee - \$40 per hour.

- 5) Interim or final inspections, for each Department employee - \$40 per hour.
- 6) Computer usage time will be at the rate charged to the Department by the Department of Central Management Services.

- c) Fees for engineering services performed by personnel outside the Department shall be paid directly by the applicant.

(Source: JAN 25 1996 at 20 Ill. Reg. 2565, effective _____)

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Narrative and Planning Policies

- 2) Code Citation: 77 Ill. Adm. Code 1100

- 3) Date of Administrative Code Division Review: January 24, 1996

- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.

- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The heading and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.

- 6) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
77 Ill. Adm. Code 1100	77 Ill. Adm. Code 1100
Chapter II	Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective 8-10-95.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Appropriateness Review

- 2) Code Citation: 77 Ill. Adm. Code 1250

- 3) Date of Administrative Code Division Review: January 24, 1996

- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.

- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.

- 7) Conversion Table of Present and Recodified Parts:

<u>Present Part:</u>	<u>Recodified Part:</u>
77 Ill. Adm. Code 1250	77 Ill. Adm. Code 1250
Chapter II	Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective August 10, 1995.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Health Facilities Planning Financial and Economic Feasibility Review
- 2) Code Citation: 77 Ill. Adm. Code 1120
- 3) Date of Administrative Code Division Review: January 24, 1996
- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

Present Part:

77 Ill. Adm. Code 1120
Chapter II

Recodified Part:

77 Ill. Adm. Code 1120
Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective August 10, 1995.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Health Facilities Planning Procedural Rules
- 2) Code Citation: 77 Ill. Adm. Code 1130
- 3) Date of Administrative Code Division Review: January 24, 1996
- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

Present Part:

77 Ill. Adm. Code 1130
Chapter II

Recodified Part:

77 Ill. Adm. Code 1130
Chapter II

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HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Permit Application Fees
- 2) Code Citation: 77 Ill. Adm. Code 1190
- 3) Date of Administrative Code Division Review: January 24, 1996
- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

Present Part: Recodified Part:

77 Ill. Adm Code 1190 77 Ill. Adm. Code 1190
Chapter II Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective August 10, 1995.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Practice and Procedure in Administrative Hearings
- 2) Code Citation: 77 Ill. Adm. Code 1180
- 3) Date of Administrative Code Division Review: January 24, 1996
- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

Present Part: Recodified Part:

77 Ill. Adm. Code 1180 77 Ill. Adm. Code 1180
Chapter II Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective August 10, 1995.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Processing, Classification Policies and Review Criteria
- 2) Code Citation: 77 Ill. Adm. Code 1110
- 3) Date of Administrative Code Division Review: January 24, 1996
- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

Present Part:

77 Ill. Adm. Code 1110
Chapter II

Recodified Part:

77 Ill. Adm. Code 1110
Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective August 10, 1995.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: Public Notice of Opportunity for Public Hearing and Public Hearing Procedures
- 2) Code Citation: 77 Ill. Adm. Code 1200
- 3) Date of Administrative Code Division Review: January 24, 1996
- 4) Headings and Section Numbers of the Part Being Recodified:
The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified:
The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

Present Part:

77 Ill. Adm. Code 1200
Chapter II

Recodified Part:

77 Ill. Adm. Code 1200
Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective 8-10-95.

HEALTH FACILITIES PLANNING BOARD

NOTICE OF RECODIFICATION

- 1) Heading of the Part: State Board Policy Statement Regarding Reserve Bed Capacity
- 2) Code Citation: 77 Ill. Adm. Code 1260
- 3) Date of Index Department Review: January 24, 1996
- 4) Headings and Section Numbers of the Part Being Recodified: The headings and section numbers of this Part are not changing. Only the Chapter heading is being changed at this time.
- 5) Outline of the Section Numbers and Headings of the Part as Recodified: The headings and section numbers of this Part are staying the same. Only the Chapter heading is being changed at this time.
- 6) Conversion Table of Present and Recodified Parts:

Present Part:

77 Ill. Adm. Code 1260
Chapter II

Recodified Part:

77 Ill. Adm. Code 1260
Chapter II

AGENCY NOTE: This Part is being recodified from the Department of Public Health/Health Facilities Planning Board to the Health Facilities Planning Board pursuant to P.A. 89-0276, effective August 10, 1995.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

JANUARY 1996 REGULATORY AGENDA

- a) Part(s)(Heading and Code Citation): Real Estate Appraiser Certification, 68 Ill. Adm. Code 1455
 - 1) Rulemaking:
 - A) Description: This Part will be amended to update reference to the most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP). In addition, the Commissioner's Office will submit rulemaking as needed to implement or respond to the 1995 transfer of appraiser regulation from the Department of Professional Regulation to the Commissioner's Office, as well as to the proposed consolidation of the Office of the Commissioner of Savings and Residential Finance with the Commissioner of Banks and Trust Companies. Such rulemaking may include, but not be limited to, re-codification, technical revisions, repeal of obsolete language, and proposed amendments to clarify the effects of the regulatory transfer or of the proposed consolidation.
 - B) Statutory Authority: Implementing Article 2 of the Real Estate License Act of 1983 [225 ILCS 455/Art. 2] and authorized by Section 60(7) of the Civil Administrative Code of Illinois [20 ILCS 2105/60(7)]
 - C) Scheduled meeting/hearing dates: None scheduled.
 - D) Date agency anticipates First Notice: First half of 1996.
 - E) Affect on small businesses, small municipalities or not-for-profit corporations: None
 - F) Agency contact person for information:
John Arthur
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, IL 62701-1509
(217) 782-6181
 - G) Related rulemakings and other pertinent information: None
- b) Part(s)(Heading and Code Citation): Real Estate License Act of 1983, 68 Ill. Adm. Code 1450
 - 1) Rulemaking:
 - A) Description: This Part will be amended to set forth guidelines

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

JANUARY 1996 REGULATORY AGENDA

for the activities of unlicensed assistants of licensees. The Commissioner's Office is preparing rulemaking establishing complaint review and hearing procedures under the Act (the former procedures utilized by the Department of Professional Regulation were not included when real estate regulation was transferred from the Department to the Commissioner's Office in 1995). In response to recent statutory changes, the Commissioner's Office is considering rulemaking relating to compliance data that continuing education sponsors are required to provide and relating to brokerage relationships (agency) under Article IV of the Act. In addition, the Commissioner's Office will submit rulemaking as needed to implement or respond to the 1995 transfer of real estate regulation from the Department of Professional Regulation to the Commissioner's Office, as well as to the proposed consolidation of the Office of the Commissioner of Savings and Residential Finance with the Commissioner of Banks and Trust Companies. Such rulemaking may include, but not be limited to, re-codification, technical revisions, repeal of obsolete language, and proposed amendments to clarify the effects of the regulatory transfer or of the proposed consolidation.

B) Statutory Authority: Authorized by and implementing the Real Estate License Act of 1983 [225 ILCS 455/1].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: First half of 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None.

F) Agency contact person for information:

John Arthur
Office of the Commissioner of Savings and
Residential Finance
500 East Monroe, Suite 800
Springfield, IL 62701-1509
(217) 782-6181

G) Related rulemakings and other pertinent information: None

c) Part(s)(Heading and Code Citation): Residential Mortgage License Act of 1987, 38 Ill. Adm. Code 1050

1) Rulemaking:

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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A) Description: The Commissioner's Office is developing rulemaking on this Part in response to recent statutory changes involving licensee activity reporting and gross delinquency rates/foreclosure rates. The Commissioner's Office is considering rulemaking generally to update and clarify this Part, in particular language relating to applicability of fees, full service offices, examination locations, refunds, licensee status changes, and compilation filings. The Commissioner's Office will submit rulemaking as needed to implement or respond to the proposed consolidation of the Office of the Commissioner of Savings and Residential Finance with the Commissioner of Banks and Trust Companies. Such rulemaking could include, but would not be limited to, re-codification, technical revisions, repeal of obsolete language, and proposed amendments to clarify the effects of the proposed consolidation.

B) Statutory Authority: Authorized by and implementing the Residential Mortgage License Act of 1987 [205 ILCS 636/1-1].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: First half of 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

John Arthur
Office of the Commissioner of Savings and
Residential Finance
500 East Monroe, Suite 800
Springfield, IL 62701-1509
(217) 782-6181

G) Related rulemakings and other pertinent information: None

d) Part(s)(Heading and Code Citation): Savings Bank Act, 38 Ill. Adm. Code 1075

1) Rulemaking:

A) Description: The Commissioner's Office is considering rulemaking on this Part to address the fee on acquisition of control and to effect a credit of fees (rebate) to institutions. Rulemaking is also being considered to generally update the Part, including language involving savings bank acquisitions and charter

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conversions. In addition, the Commissioner's Office will submit rulemaking as needed in response to possible federal legislation to abolish the federal thrift charter as well as to the proposed consolidation of the Office of the Commissioner of Savings and Residential Finance with the Commissioner of Banks and Trust Companies. Such rulemaking may include, but not be limited to, re-codification, technical revisions, repeal of obsolete language, and proposed amendments to clarify the effects of possible federal action or of the proposed consolidation.

B) Statutory Authority: Authorized by and implementing the Savings Bank Act [205 ILCS 205/1001].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: First half of 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

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(217) 782-6181

G) Related rulemakings and other pertinent information: None

e) Part(s){Heading and Code Citation}: Illinois Savings and Loan Act of 1985, 38 Ill. Adm. Code 1000

1) Rulemaking:

A) Description: The Commissioner's Office is considering rulemaking on this Part to effect a credit of fees (rebate) to institutions. In addition, the Commissioner's Office will submit rulemaking as needed in response to possible federal legislation to abolish the federal thrift charter as well as to the proposed consolidation of the Office of the Commissioner of Savings and Residential Finance with the Commissioner of Banks and Trust Companies. Such proposed rulemaking may include, but not be limited to, re-codification, technical revisions, repeal of obsolete language, and proposed amendments to clarify the effects of possible federal action or of the proposed consolidation.

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B) Statutory Authority: Authorized by and implementing the Illinois Savings and Loan Act of 1985 [205 ILCS 105/1-1].

C) Scheduled meeting/hearing dates: None scheduled.

D) Date agency anticipates First Notice: First half of 1996.

E) Affect on small businesses, small municipalities or not-for-profit corporations: None

F) Agency contact person for information:

John Arthur
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G) Related rulemakings and other pertinent information: None

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- a) Part(s) (Heading and Code Citation): Rights and Responsibilities (89 Ill. Adm. Code 102)

- 1) Rulemaking: Revise policy for filing estate claims against the estates of deceased AABD clients and their spouses.

A) Description: The Department plans to propose rulemaking to broaden the definition of "estate." The rulemaking will allow the Department to claim against all real and personal property in which an AABD client had legal title or interest at the time of death, including assets conveyed to a survivor of the deceased person through joint tenancy, tenancy in common, survivorship, life estate, living trust, or other arrangement.

The Department also plans to propose rulemaking that will allow an estate claim against the estate of the deceased spouse of an AABD client even when the spouse dies before the client.

- B) Statutory Authority: Senate Bill 465 and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

- C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

- E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency Contact Person for Information:

Judy Umunna
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- G) Related Rulemakings and Other Pertinent Information: None

- b) Part(s) (Heading and Code Citation): Assistance Standards (89 Ill. Adm. Code 111)

- 1) Rulemaking: Adjust assistance standards.

A) Description: In accordance with the methodology established in Section 111.20, the Department will propose amendments to adjust the Standard of Need for receipt of Aid to Families with Dependent Children effective January 1, 1997. The Public Aid Code requires that the Assistance Standards be updated every January based on changes in the Consumer Price Index for the previous fiscal year.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13].

- C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

- E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities, and not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

- F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: Nonec) Part(s) (Heading and Code Citation): Aid to Families with Dependent Children (89 Ill. Adm. Code 112)

1) Rulemaking: Replace or revamp Aid to Families with Dependent Children; Eliminate aid for essential persons; Implement payment of AFDC-U grant based on work performance; Revise the former Young Parents Program; Repeal the former Project Advance Program; Increase job retention provisions; Strengthen emphasis on work and work-related activities under the AFDC JOBS Program; Target clients who are at high risk of alcohol and substance abuse in cooperation with the Department of Alcoholism and Substance Abuse.

A) Description: Recent State legislation requires a complete revamping of Aid to Families with Dependent Children. Pending federal legislation may allow the Department to undertake this revamping or limit the revamping. Such a replacement of the program will result in changes to the grant structure; family assistance units; asset levels for determining eligibility; treatment of income received by family units; length of time assistance will be provided and employment and training activities. New policies concerning client contracts aimed at self-sufficiency, including an option to receive a one-time payment, will also need to be developed. Timeframes for submission of the necessary rulemaking are dependent upon federal action.

Federal legislation that is currently under consideration would allow the Department to eliminate aid for individuals defined as "essential persons" under the Aid for Families with Dependent Children program. In the event that such federal legislation is passed, the Department will propose amendments to eliminate assistance for such "essential persons." Timeframes for submission of the rulemaking are dependent upon federal action.

The Department plans to propose rulemaking to provide payment of the family's monthly assistance grant based on the work performance of parents in AFDC-U cases who participate in Unemployed Parents Work Experience in the preceding month.

The Department also plans to propose rulemaking to increase job retention for clients by eliminating the 30-day request period limit for employment expenses, providing payment for child care

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employment expenses for the number of work days in the first partial month of employment and the following full month, and providing payment for optical services to correct vision and dental services for individuals with missing or malformed teeth if needed for employment.

The Department plans to propose rulemaking to emphasize work under the AFDC JOBS Program. The Department will delete the volunteer first focus of the JOBS Program. AFDC clients will still be able to volunteer for the program, but the program's original philosophy of a volunteer program is no longer valid. This rulemaking will emphasize that work-related activities may also be part of education below the postsecondary level component activities; deny Postsecondary Education for individuals who have reduced employment hours or quit a job during the three months prior to their request for supportive services; change supportive services to a flat monthly amount; increase the monthly job search allowance; delete the unemployed or underemployed approval criterion for the Job Skills Training component; and delete the current requirement for ten employer contacts each month for participants in the Job Readiness component. There will be no specific number of employer contacts that are required each month.

State legislation is currently being considered to target and aid in the removal of barriers such as alcohol and substance abuse to help AFDC recipients move from welfare to work. The Department is exploring the establishment of three pilot sites. The Department of Alcoholism and Substance Abuse would train Public Aid caseworkers to screen all clients for possible substance abuse. Clients with a problem would be referred to a dedicated alcoholism and substance abuse treatment program. AFDC recipients that have been identified with a substance problem would be mandated to seek treatment. Failure to comply could result in possible reduced benefits, imposition of the DASA provider as protective payee, or both. A federal waiver would be required.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]; Public Act 89-6; Federal legislation.

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

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D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: The Department of Alcoholism and Substance Abuse may have to submit rulemaking regarding the initiative to target clients who are at high risk of alcohol and substance abuse.

d) Part(s) (Heading and Code Citation): Aid to Families with Dependent Children (89 Ill. Adm. Code 112); Aid to the Aged, Blind or Disabled (89 Ill. Adm. Code 113); General Assistance (89 Ill. Adm. Code 114); Medical Assistance Programs (89 Ill. Adm. Code 120); and Food Stamps (89 Ill. Adm. Code 121)

1) Rulemaking: Make fugitives from criminal justice ineligible for benefits.

A) Description: Upon granting of the required waivers by the federal Health Care Financing Administration, the Department plans to propose rulemaking to implement the provisions of Section 1-8(a) of the Illinois Public Aid Code. These statutory provisions provide that a person who (1) has fled to avoid incarceration for having committed a felony, (2) has fled from the jurisdiction of a court to avoid giving testimony in a criminal proceeding involving the commission of an alleged felony, or (3) has escaped incarceration for a felony, will be ineligible for any benefits under the Public Aid Code.

B) Statutory Authority: Sections 1-8(a) and 12-13 of the Illinois

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Public Aid Code [305 ILCS 5/1-8(a) and 12-13].

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: None

e) Part(s) (Heading and Code Citation): Related Program Provisions (89 Ill. Adm. Code 117) and Food Stamps (89 Ill. Adm. Code 121)

1) Rulemaking: Implement electronic benefit transfer program.

A) Description: The Department plans to propose rulemaking to establish Electronic Benefit Transfer (EBT) as a method for distributing benefits to clients. Language will be included in the rulemaking to mitigate any liabilities that may occur due to federal Regulation E being applicable to benefit distribution.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

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- C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.
- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: None

- f) Part(s) (Heading and Code Citation): Medical Assistance Programs (89 Ill. Adm. Code 120)

- 1) Rulemaking: Provide criteria for appeals of the community spouse resource allowance.

A) Description: The Department plans to propose amendments to provide criteria for appeals of the Community Spouse Resource Allowance (CSRA). The rulemaking will establish the criteria the Department will use, as the result of an appeal, to determine the amount (if any) over the CSRA maximum of \$76,740 that a resident in a nursing facility may transfer to a community spouse without effecting Medicaid eligibility. The method for the determination will be outlined in the rulemaking. It will include basing the income-producing capacity of assets on the amount needed to

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purchase a single premium life annuity that would provide monthly payments sufficient to raise the community spouse's income to the Community Spouse Maintenance Needs Allowance of \$1,918. The purchase of the annuity will not be required.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: None

- g) Part(s) (Heading and Code Citation): Food Stamps (89 Ill. Adm. Code 121)

- 1) Rulemaking: Increase fair market value of vehicles; Revise provisions on students.

A) Description: In compliance with federal requirements included in Section 13923 of the Mickey Leland Childhood Hunger Relief Act,

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the Department plans to propose rulemaking to provide that when evaluating the Fair Market Value of vehicles, the amount exempted will increase to \$5,000. The value of vehicles is considered when determining a household's eligibility for the food stamp program. The increase will be effective beginning in October 1996.

The Department also plans to propose revisions in the provisions concerning the eligibility of students. The rulemaking will revise the definition of an institution of higher education. Some students attending an institution of higher education are eligible to participate in the food stamp program. This rulemaking will add that a student attending an institution of higher education is eligible to participate in the food stamp program if they have been approved to participate in a state or federal work study program and they expect to work during the school term.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: None

h) Part(s) (Heading and Code Citation): Medical Payment (89 Ill. Adm. Code 140)

1) Rulemaking: Revise enrollment and rate setting for exceptional care; update and clarify cost reporting requirements for long term care facilities; revise payment method for nurse aide training; implement rate negotiating process for out-of-state long term care facilities; implement universal preadmission screening for nursing facilities; initiate hold on payment for new admissions of nursing facilities; found out of compliance with Department of Public Health standards; clarify coverage of private automobiles as medical transportation; add provisions for subacute care and postsurgical recovery care; expand eligible services provided by nurse-midwives; and implement recipient eligibility verification system.

A) Description: The Department plans to propose amendments to the enrollment and rate setting processes that are employed in the exceptional care program. Under this program, the Department makes payments to nursing facilities for the care of residents who require a multi-disciplinary level of medical and nursing services that involve exceptional costs related to extraordinary equipment and supplies. The proposed rulemaking will simplify exceptional care rate setting, increase access to exceptional care, and provide Department nursing staff with more time to address quality of care issues.

The Department plans to review all rules regarding cost reporting and allowable costs for long term care facilities. These rules will be updated and clarified as appropriate. The Department does not plan to implement significant changes in policy.

The Department plans to propose amendments to the reimbursement process included in the nurse aide training reimbursement provisions. Under the amendments, the Department will pay for clinical training regardless of where the training took place.

Amendments to provisions concerning out-of-state placements are planned by the Department. The amendments will allow the Department more flexibility when approving a rate to be paid to an out-of-state facility by establishing a process for negotiating a rate with the out-of-state facility.

Rulemaking will be proposed to implement universal preadmission screening as mandated under Public Act 89-21. All persons seeking admission to a nursing facility must be screened to determine the

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need for nursing facility services prior to being admitted, regardless of income, assets or funding source. The Department will further screen residents of nursing facilities who convert from private pay to Medicaid to assure that continued nursing facility services are appropriate.

The Department plans to propose rulemaking to comply with federal regulations regarding the Department's authority to place a hold on payment for new admissions to facilities which are found not to be in substantial compliance by the Department of Public Health.

Amendments to clarify the coverage of private automobiles as a means of transportation to a medical service are planned by the Department. Current rules do not provide any criteria for enrolling private automobiles as a provider of service. The Department will propose that reimbursement for transportation by private automobile should be limited to continuous services or a chronic medical condition rather than for an occasional appointment.

Rulemaking will be proposed to implement the subacute care requirements contained in the Alternative Health Care Delivery Act. This Act establishes a demonstration project that allows licensure of 13 statewide facilities to provide subacute care. The sites include independent licensed nursing homes or hospitals as well as distinct units within those types of facilities. Based on criteria that will be proposed by the Department, this level of care would include patients with medically complex needs who have the potential for being weaned from mechanical ventilation or require physical rehabilitation but cannot tolerate an acute inpatient level of rehabilitation. It also includes those patients who have medically complex needs without the need for weaning or physical rehabilitation who have the potential for improving and being discharged to home or to a less intensive care setting. The Department plans to propose rules for the specific elements required for coverage of these services which will cover screening procedures, criteria, and utilization review requirements as well as for reimbursement methodology.

The Department also plans to propose rulemaking to allow enrollment and reimbursement for services rendered by postsurgical recovery care centers. Under Public Act 87-1188, the Department is required to cover services provided in these newly licensed provider types. The Department of Public Health is required to license and run a five year demonstration program for no more than a total of twelve postsurgical recovery care centers in Illinois.

The Department plans to propose amendments to comply with Section

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13605 of the Omnibus Budget Reconciliation Act of 1993, which provides that nurse-midwife services must include all services authorized by State law or regulations, regardless of whether the services are performed in managing the care of mothers and babies throughout the maternity cycle. Current provisions in the rules limit the services of nurse midwives to the management and care of women through the maternity cycle including the six weeks postpartum checkup and the management and care of newborn babies up to six weeks following delivery.

The Department plans to propose rulemaking under the authority included in Public Act 88-554 to implement a recipient eligibility verification system. The system offers on-line Medicaid eligibility and claims history information to subscribers. This information will be provided to subscribers through contractors who have entered into a contract with the Department. The contractors will be responsible for marketing the system to providers. Services will be made available through leased lines between the contractors and the State.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the Illinois Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the Illinois Register.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

Joanne Jones
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G) Related Rulemakings and Other Pertinent Information: Nonei) Part(s) (Heading and Code Citation): Medical Payment (89 Ill. Adm. Code 140) and MediPlan Plus (89 Ill. Adm. Code 142)1) Rulemaking: Implement managed care program as MediPlan Plus; Revise Maternal and Child Health Services provisions.

A) Description: The Department plans to propose rulemaking to implement provisions of Public Act 88-554 concerning a system of integrated health care services. This managed care program, to be known as MediPlan Plus, will create broad changes in Illinois' Medicaid Program. Utilizing managed care principles, the rulemaking will provide for an increase in the availability of Maternal and Child Health services, improve the quality of medical care, and control Medicaid costs. The Department plans to adopt the primary rules for this program as new Part 142. MediPlan Plus will serve over one million Medicaid clients with a choice of health maintenance organizations, primary care physicians, managed care community networks, federally qualified health centers, rural health clinics, and insurance companies. The provisions in 89 Ill. Adm. Code 142 are intended to reflect the focus of the managed care legislation to assure that Illinois has an effective and affordable health care system in place for the benefit of clients, the health care community, and taxpayers.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

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E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: Nonej) Part(s) (Heading and Code Citation): Developmental Disabilities Services (89 Ill. Adm. Code 144)1) Rulemaking: Add procedures for appeal of inspection of care for facilities for persons with developmental disabilities.

A) Description: Based on changes under Public Act 87-996, the Department plans to propose rulemaking that provides for an appeal process of the residential assessment conducted by the Inspection of Care team, if the facility believes the assessment does not accurately reflect the conditions of its residents. Examples of conditions which may be appealable include level of functioning, medical and behavioral add-ons, special transportation needs and physician's care plans.

B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted

DEPARTMENT OF PUBLIC AID

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for publication in the *Illinois Register*.

- E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

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G) Related Rulemakings and Other Pertinent Information: None

- k) Part(s) (Heading and Code Citation): Hospital Services (89 Ill. Adm. Code 148) and Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) (89 Ill. Adm. Code 149)

- 1) Rulemaking: Revise hospital reimbursement provisions in conjunction with implementation of MediPlan Plus.

- A) Description: The Department plans to propose rulemaking to implement provisions of Public Act 88-554 regarding a system of integrated health care services. This managed care program, to be known as MediPlan Plus, will create broad changes in Illinois' Medicaid program and will impact significantly upon the delivery of hospital services. Therefore, the Department intends to propose amendments to 89 Ill. Adm. Code 148 and 149 in order to specify the reimbursement methodology for hospital services provided in conjunction with MediPlan Plus.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following

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publication of Notices of Proposed Rulemaking in the *Illinois Register*.

- D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

- E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

G) Related Rulemakings and Other Pertinent Information: None

- 1) Part(s) (Heading and Code Citation): Child Support Enforcement (89 Ill. Adm. Code 160)

- 1) Rulemaking: Change distribution of child support collections procedures.

- A) Description: The Department plans to propose rulemaking to revise its policies and procedures for distribution of excess child support payments. The rulemaking would allow the Department to retain excess child support payments and apply them to future months.

- B) Statutory Authority: Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

- C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois*

DEPARTMENT OF PUBLIC AID

JANUARY 1996 REGULATORY AGENDA

Register.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

G) Related Rulemakings and Other Pertinent Information: None

m) Part(s) (Heading and Code Citation): Demonstration Programs (89 Ill. Adm. Code 170)

1) Rulemaking: Implement demonstration of electronic fingerprinting technology.

A) Description: As required by Public Act 88-554, the Department plans to propose rulemaking to implement a demonstration of electronic fingerprinting technology as a means of identification. The demonstration will test and evaluate the usefulness of electronic fingerprinting technology as a means of addressing the problems of welfare fraud. The proposed rulemaking will outline the areas in which the technology will be used and the basis of the evaluation.

B) Statutory Authority: Public Act 88-554 and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/12-13]

C) Schedule of Meeting or Hearing Dates: The Department has not established a schedule of dates for hearings, meetings, or other opportunities for public participation in this rulemaking. The Department will accept and consider any written comments that may

DEPARTMENT OF PUBLIC AID

JANUARY 1996 REGULATORY AGENDA

be submitted in response to this regulatory agenda. An opportunity for public comment will also be provided following publication of Notices of Proposed Rulemaking in the *Illinois Register*.

D) Date Agency Anticipates First Notice: The Department has not determined when Notices of Proposed Rulemaking will be submitted for publication in the *Illinois Register*.

E) Effect on Small Businesses, Small Municipalities, and Not-For-Profit Corporations: The Department is unaware of any effect this rulemaking may have on small businesses, small municipalities or not-for-profit corporations. The Department will accept and consider any written comments concerning such effects that may be submitted in response to this regulatory agenda.

F) Agency Contact Person for Information:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, IL 62762
(217) 524-3215

G) Related Rulemakings and Other Pertinent Information: None

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of January 23, 1996 through January 29, 1996 and have been scheduled for review by the Committee at its February 20, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/7/96	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	10/13/95 19 Ill Reg 14336	2/20/96
3/10/96	Department of Revenue, Retailers' Occupation Tax (86 Ill Adm Code 130)	10/20/95 19 Ill Reg 14752	2/20/96
3/10/96	Department of Revenue, Service Occupation Tax (86 Ill Adm Code 140)	10/20/95 19 Ill Reg 14765	2/20/96
3/11/96	Department of Public Aid, Medical Payment (89 Ill Adm Code 140)	10/20/95 19 Ill Reg 14530	2/20/96
3/13/96	Department of Professional Regulation, Clinical Social Work and Social Work Practice Act (68 Ill Adm Code 1470)	12/1/95 19 Ill Reg 16015	2/20/96

Rules acted upon during the quarter of January 1 through March 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 952 published in Issue 2 will be listed as 50-952-2. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-7017.

PROPOSED

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